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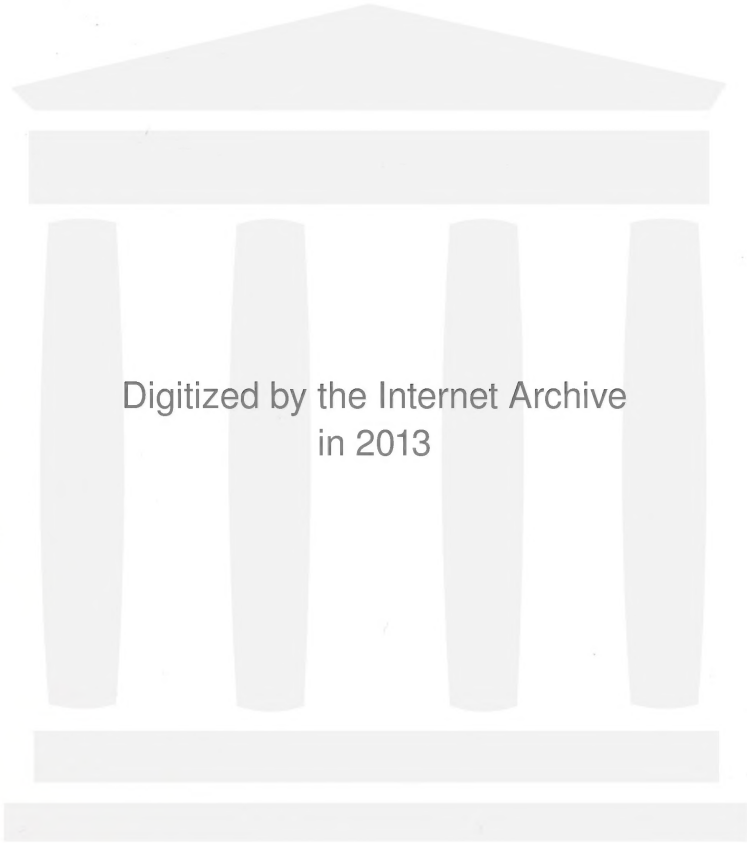
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JOURNAL

OF THE

House of Representatives

OF THE

1997

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA
SESSION 1998

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OFFICERS AND MEMBERS

OF THE

HOUSE OF REPRESENTATIVES

EXTRA SESSION 1998

Harold J. Brubaker, *Speaker* ..... Asheboro, Randolph County
Stephen W. Wood, *Speaker Pro Tempore* ..... High Point, Guilford County
Denise G. Weeks, *Principal Clerk* ..... Willow Springs, Wake County
Clyde Cook, Jr., *Sergeant-at-Arms* ..... Garner, Wake County

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REPRESENTATIVES

1st District: (1) Camden, Currituck, Pasquotank, Perquimans (Part).
William C. Owens, Jr. (D) ..... Pasquotank ..... Elizabeth City

2nd District: (1) Beaufort, Craven (Part), Hyde, Pitt (Part).
Edwin M. Hardy (R) ..... Beaufort ..... Washington

3rd District: (1) Craven (Part), Pamlico (Part).
John M. Nichols (R) ..... Craven ..... New Bern

4th District: (2) Carteret, Onslow (Part).
Jean R. Preston (R) ..... Carteret ..... Emerald Isle
Ronald L. Smith (D) ..... Carteret ..... Atlantic Beach

5th District: (1) Bertie (Part), Gates, Hertford (Part), Northampton.
Howard J. Hunter, Jr. (D) ..... Northhampton ..... Murfreesboro

6th District: (1) Bertie (Part), Hertford (Part), Martin (Part), Pitt (Part), Washington (Part).
R. Eugene Rogers (D) ..... Martin ..... Williamston

7th District: (1) Edgecombe (Part), Halifax (Part), Martin (Part), Nash (Part).
Thomas C. Hardaway (D) ..... Halifax ..... Enfield

8th District: (1) Edgecombe (Part), Greene (Part), Martin (Part), Pitt (Part).
Linwood E. Mercer (D) ..... Pitt ..... Farmville

9th District: (1) Greene (Part), Pitt (Part).
Marvin W. Aldridge (R) ..... Pitt ..... Greenville

10th District: (1) Duplin (Part), Jones (Part), Onslow (Part).
Cynthia B. Watson (R) .....Duplin ..... Rose Hill

11th District: (1) Lenoir (Part), Wayne (Part).
Philip A. Baddour, Jr. (D) .....Wayne .....Goldsboro

12th District: (1) Onslow (Part), Pender (Part), Sampson (Part).
Nurham O. Warwick (D) ..... Sampson .....Clinton

13th District: (1) New Hanover (Part).
Daniel F. McComas (R)..... New Hanover ..... Wilmington

14th District: (2) Brunswick (Part), Columbus (Part), New Hanover (Part), Robeson (Part).
Dewey L. Hill (D).....Columbus .....Whiteville
E. David Redwine (D) .....Brunswick .....Ocean Isle Beach

15th District: (1) Wake (Part).
J. Samuel Ellis (R).....Wake ..... Raleigh

16th District: (1) Cumberland (Part), Hoke (Part), Moore (Part), Robeson (Part), Scotland (Part).
Douglas Y. Yongue (D).....Scotland.....Laurinburg

17th District: (2) Cumberland (Part).
Theodore J. Kinney (D).....Cumberland .....Fayetteville
Mary E. McAllister (D) .....Cumberland .....Fayetteville

18th District: (2) Cumberland (Part).
John W. Hurley (D) .....Cumberland .....Fayetteville
Mia Morris (R) .....Cumberland .....Fayetteville

19th District: (2) Harnett, Lee, Sampson (Part).
Donald S. Davis (R) .....Harnett.....Erwin
Bobby Ray Hall (R).....Lee..... Sanford

20th District: (1) Franklin (Part), Johnston (Part), Nash (Part).
Billy J. Creech (R).....Johnston .....Clayton

21st District: (1) Wake (Part).
Daniel T. Blue, Jr. (D) .....Wake ..... Raleigh

22nd District: (2) Franklin (Part), Granville (Part), Halifax (Part), Person, Vance (Part), Warren (Part).
Gordon P. Allen (D) .....Person.....Roxboro
James W. Crawford, Jr. (D).....Granville..... Oxford

23rd District: (3) Durham (Part).
Paul Luebke (D) ..... Durham ..... Durham
Henry M. Michaux, Jr. (D) ..... Durham ..... Durham
George W. Miller, Jr. (D) ..... Durham ..... Durham

24th District: (2) Chatham (Part), Orange (Part).
Joe Hackney (D) ..... Orange ..... Chapel Hill
Verla C. Insko (D) ..... Orange ..... Chapel Hill

25th District: (3) Alamance, Caswell, Orange (Part), Rockingham (Part).
Cary D. Allred (R) ..... Alamance ..... Burlington
E. Nelson Cole (D) ..... Rockingham ..... Reidsville
Dennis A. Reynolds (R) ..... Alamance ..... Graham

26th District: (1) Guilford (Part).
Alma S. Adams (D) ..... Guilford ..... Greensboro

27th District: (1) Davidson (Part), Guilford (Part).
Stephen W. Wood (R) ..... Guilford ..... High Point

28th District: (1) Guilford (Part).
Flossie Boyd-McIntyre (D) ..... Guilford ..... Jamestown

29th District: (1) Guilford (Part).
Joanne W. Bowie (R) ..... Guilford ..... Greensboro

30th District: (1) Chatham (Part), Guilford (Part), Randolph (Part).
Arlie F. Culp (R) ..... Randolph ..... Ramseur

31st District: (1) Moore (Part).
Richard T. Morgan (R) ..... Moore ..... Pinehurst

32nd District: (1) Montgomery (Part), Richmond, Scotland (Part).
G. Wayne Goodwin (D) ..... Richmond ..... Rockingham

33rd District: (1) Anson, Montgomery (Part), Stanly (Part).
Foyle R. Hightower, Jr. (D) ..... Anson ..... Wadesboro

34th District: (1) Union (Part).
Fern H. Shubert (R) ..... Union ..... Marshville

35th District: (1) Rowan (Part).
Charlotte A. Gardner (R) ..... Rowan ..... Salisbury

36th District: (1) Mecklenburg (Part).
James B. Black (D) ..... Mecklenburg ..... Matthews

37th District: (1) Davidson (Part).
Paul R. McCrary (D) .....Davidson ..... Lexington

38th District: (1) Guilford (Part), Randolph (Part).
Harold J. Brubaker (R) .....Randolph ..... Asheboro

39th District: (1) Forsyth (Part).
Lyons Gray (R).....Forsyth ..... Winston-Salem

40th District: (3) Alleghany, Ashe, Stokes, Surry, Watauga.
Rex L. Baker (R) .....Stokes.....King
William S. Hiatt (R).....Surry.....Mt. Airy
W. Eugene Wilson (R) .....Watauga ..... Boone

41st District: (2) Alexander (Part), Wilkes, Yadkin.
John W. Brown (R).....Wilkes.....Elkin
George M. Holmes (R) .....Yadkin.....Hamptonville

42nd District: (1) Iredell (Part).
W. Franklin Mitchell (R).....Iredell ..... Olin

43rd District: (1) Catawba (Part), Iredell (Part).
C. Robert Brawley (R).....Iredell ..... Mooresville

44th District: (1) Gaston (Part), Lincoln (Part).
John R. Gamble, Jr. (D).....Lincoln ..... Lincolnton

45th District: (2) Catawba (Part), Gaston (Part), Lincoln (Part).
Cherie K. Berry (R) .....Catawba.....Newton
Joe L. Kiser (R) .....Lincoln ..... Vale

46th District: (2) Avery, Burke (Part), Caldwell (Part), Catawba (Part), Mitchell.
Charles F. Buchanan (R) .....Mitchell ..... Green Mountain
Gregory J. Thompson (R).....Mitchell ..... Spruce Pine

47th District: (1) Burke (Part).
Walter G. Church, Sr. (D).....Burke.....Valdese

48th District: (3) Cleveland, Gaston (Part), Polk (Part), Rutherford.
Debbie A. Clary (R).....Cleveland ..... Cherryville
Andrew T. Dedmon (D).....Cleveland .....Earl
John H. Weatherly (R).....Cleveland .....Kings Mountain

49th District: (1) Burke (Part), McDowell, Yancey.
Robert C. Hunter (D).....McDowell.....Marion

50th District: (1) Henderson (Part), Polk (Part).
Larry T. Justus (R).....Henderson ..... Hendersonville

51st District: (3) Buncombe (Part).
Lanier M. Cansler (R).....Buncombe ..... Asheville
Martin L. Nesbitt, Jr. (D).....Buncombe ..... Asheville
Wilma M. Sherrill (R) .....Buncombe ..... Asheville

52nd District: (2) Graham, Haywood, Jackson (Part), Madison, Swain.
Charles M. Beall (D) .....Haywood ..... Clyde
Liston B. Ramsey (D).....Madison..... Marshall

53rd District: (1) Cherokee, Clay, Jackson (Part), Macon.
James C. Carpenter (R).....Macon..... Otto

54th District: (1) Mecklenburg (Part).
Drew P. Saunders (D).....Mecklenburg ..... Huntersville

55th District: (1) Mecklenburg (Part).
W. Edwin McMahan (R) .....Mecklenburg .....Charlotte

56th District: (1) Mecklenburg (Part).
Martha B. Alexander (D).....Mecklenburg .....Charlotte

57th District: (1) Mecklenburg (Part).
Constance K. Wilson (R).....Mecklenburg .....Charlotte

58th District: (1) Mecklenburg (Part).
Ruth M. Easterling (D).....Mecklenburg .....Charlotte

59th District: (1) Mecklenburg (Part).
W. Pete Cunningham (D) .....Mecklenburg .....Charlotte

60th District: (1) Mecklenburg (Part).
Beverly Earle (D).....Mecklenburg .....Charlotte

61st District: (1) Wake (Part).
Charles B. Neely, Jr. (R).....Wake ..... Raleigh

62nd District: (1) Wake (Part).
David M. Miner (R).....Wake .....Cary

63rd District: (1) Durham (Part), Wake (Part).
Jane H. Mosley (D).....Wake .....Cary

64th District: (1) Wake (Part).
Robert J. Hensley Jr. (D) ..... Wake ..... Raleigh

65th District: (1) Wake (Part).
Rick Eddins (R) ..... Wake ..... Raleigh

66th District: (1) Forsyth (Part).
Larry W. Womble (D) ..... Forsyth ..... Winston-Salem

67th District: (1) Forsyth (Part).
Warren C. Oldham (D) ..... Forsyth ..... Winston-Salem

68th District: (1) Buncombe (Part), Henderson (Part), Transylvania.
William M. Ives (R) ..... Transylvania ..... Brevard

69th District: (1) Mecklenburg (Part).
Jim Gulley (R) ..... Mecklenburg ..... Matthews

70th District: (1) Edgecombe (Part), Nash (Part), Wilson (Part).
Milton F. Fitch, Jr. (D) ..... Wilson ..... Wilson

71st District: (1) Edgecombe (Part), Nash (Part), Pitt (Part), Wilson (Part).
Joe P. Tolson (D) ..... Edgecombe ..... Pinetops

72nd District: (1) Nash (Part), Wilson (Part).
Gene G. Arnold (R) ..... Nash ..... Rocky Mount

73rd District: (1) Forsyth (Part), Rockingham (Part).
P. Wayne Sexton, Sr. (R) ..... Rockingham ..... Stoneville

74th District: (1) Davidson (Part), Davie.
Julia Craven Howard (R) ..... Davie ..... Mocksville

75th District: (1) Cumberland (Part).
Alex Warner (D) ..... Cumberland ..... Hope Mills

76th District: (1) Gaston (Part), Mecklenburg (Part).
Walter W. Dickson (R) ..... Gaston ..... Gastonia

77th District: (1) Greene (Part), Lenoir (Part), Wayne (Part).
Carolyn B. Russell (R) ..... Wayne ..... Goldsboro

78th District: (1) Granville (Part), Vance (Part), Warren (Part).
Stanley H. Fox (D) ..... Granville ..... Oxford

79th District: (1) Craven (Part), Jones (Part), Lenoir (Part), Pamlico (Part).
William L. Wainwright (D).....Craven ..... Havelock

80th District: (1) Onslow (Part).
W. Robert Grady (R).....Onslow ..... Jacksonville

81st District: (1) Cabarrus (Part), Union (Part).
Timothy N. Tallent (R).....Cabarrus ..... Kannapolis

82nd District: (1) Cabarrus (Part), Stanly (Part), Union (Part).
Bobby H. Barbee, Sr. (R) .....Stanly ..... Locust

83rd District: (1) Rowan (Part).
W. Eugene McCombs (R) .....Rowan ..... Faith

84th District: (1) Forsyth (Part), Guilford (Part).
Michael P. Decker (R).....Forsyth ..... Walkertown

85th District: (1) Hoke (Part), Robeson (Part).
Ronnie N. Sutton (D).....Robeson..... Pembroke

86th District: (1) Chowan, Dare, Perquimans (Part), Tyrrell, Washington (Part).
William T. Culpepper, III (D).....Chowan ..... Edenton

87th District: (1) Hoke (Part), Robeson (Part), Scotland (Part).
Donald A. Bonner (D) .....Robeson..... Rowland

88th District: (1) Forsyth (Part).
Theresa H. Esposito (R).....Forsyth ..... Winston-Salem

89th District: (2) Guilford (Part).
Mary L. Jarrell (D).....Guilford..... High Point
Margaret M. Jeffus (D).....Guilford..... Greensboro

90th District: (1) Cabarrus (Part).
Richard L. Moore (D).....Cabarrus ..... Kannapolis

91st District: (1) Alexander (Part), Caldwell (Part), Catawba (Part).
Edgar V. Starnes (R).....Caldwell ..... Granite Falls

92nd District: (1) Durham (Part), Wake (Part).
J. Russell Capps (R).....Wake ..... Raleigh

93rd District: (1) Gaston (Part), Mecklenburg (Part).
John M. Rayfield (R).....Gaston ..... Belmont

94th District: (1) Davidson (Part), Randolph (Part).
Jerry C. Dockham (R).....Davidson .....Denton

95th District: (1) Johnston (Part).
N. Leo Daughtry (R).....Johnston .....Smithfield

96th District: (1) Bladen, Cumberland (Part), New Hanover (Part), Pender (Part), Sampson (Part).
Edd Nye (D) .....Bladen .....Elizabethtown

97th District: (1) Duplin (Part), Sampson (Part), Wayne (Part).
Jerry Braswell (D) .....Wayne .....Goldsboro

98th District: (1) Brunswick (Part), Columbus (Part), New Hanover (Part), Pender (Part).
Thomas E. Wright (D).....New Hanover ..... Wilmington

HOUSE JOURNAL

EXTRA SESSION 1998

FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, March 24, 1998

Pursuant to a call of His Excellency, Governor James B. Hunt, Jr., hereinafter recorded, the House of Representatives of the General Assembly of North Carolina convenes in its Hall in Extra Session, at the hour of twelve o'clock, Tuesday, March 24, 1998, and is called to order by the Speaker of the House, Harold J. Brubaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Gracious God, You and You alone govern the affairs of humankind. It is only by Your grace that we are given the privilege to help shape the order of our society. For this day, for this renewed opportunity to serve, for this special session of the General Assembly, for the people of this State, and for these leaders, we give You thanks. Today we have gathered once more, as the leaders of the Great State of North Carolina, to continue the business to which we have been elected. We come, therefore, seeking Thy guidance in our endeavors.

"Merciful God, help us to deny any undue influences that would threaten the balance of fairness and equality among Your people. Help us to reject any prejudice that may stand in the way of thoughtful and meaningful debate. Most of all, help us to remember that we have been elected to serve rather than to be served...that we are here to help others rather than to help ourselves...and help us to remain focused on the tasks that are before us so that we might always put the needs of this State and her people before our own desires and efforts toward personal gain. In great humility, we now ask for Thy mercy and Thy blessing upon our mutual work together. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

The Reading Clerk reads the following proclamation by the Governor.

PROCLAMATION

WHEREAS, there are more than 71,000 uninsured children in North Carolina whose parents make too much to qualify for Medicaid but cannot afford to purchase health insurance for their children; and

WHEREAS, children who do not receive proper medical care have more trouble staying healthy enough to attend school and often have trouble learning when they are in school; and

WHEREAS, under Title XXI of the Social Security Act, North Carolina now has the opportunity to receive $79.9 million in federal money in order to provide health care for children; and

WHEREAS, to meet federal deadlines, North Carolina must adopt by legislation its state plan and needs to submit the plan to the Health Care Financing Agency; and

WHEREAS, the Children's Health Insurance Plan is designed to comply with federal requirements and provide the health insurance coverage described herein.

NOW, THEREFORE, I, James B. Hunt, Jr., Governor of the State of North Carolina, pursuant to the authority granted to me by Article III, Sec. 5(7) of the Constitution of North Carolina, find that the circumstances stated above constitute an extraordinary occasion within the meaning of Article III, Sec. 5(7) of the Constitution of North Carolina and PROCLAIM that the General Assembly is hereby convened in an extra session for the purpose of considering the adoption of a state plan in accordance with the above.

This extra session shall begin the 24th day of March 1998 at 12:00 p.m. and shall continue as provided by law and the rules of each House until both Houses shall have adjourned sine die.

Done in Raleigh, North Carolina, this the 27th day of February, 1998.

S/ James B. Hunt, Jr.
Governor

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

THE APPOINTMENT OF GORDON P. ALLEN BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

WHEREAS, the Honorable Michael S. Wilkins, elected Representative from the Twenty-Second District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable Michael S. Wilkins be filled by appointment of the person recommended by the Twenty-Second House District Executive Committee of the Democratic Party; and

WHEREAS, the Twenty-Second House District Executive Committee of the Democratic Party has notified me of its recommendation of Gordon P. Allen of Roxboro, North Carolina, to fill said vacancy,

I do by these presents appoint
GORDON P. ALLEN
as a member of the
HOUSE OF REPRESENTATIVES
1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 9th day of October in the year of our Lord, One Thousand Nine Hundred Ninety-Seven.

S/ James B. Hunt, Jr.
Governor of North Carolina

S/ Elaine F. Marshall
Secretary of State

The following oath of office is administered to Gordon P. Allen by Justice Willis P. Whichard of the North Carolina Supreme Court.

OATH FOR MEMBER OF THE HOUSE OF REPRESENTATIVES

"I, GORDON P. ALLEN, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States; so help me God; and

"I do solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the

Constitution of the United States, to the best of my knowledge and ability; and

"I do swear (or affirm) that I will faithfully discharge the duties of the office of a Member of the 1997 House of Representatives according to the best of my skill and ability, according to law; so help me God."

The Speaker states that Representative Allen was appointed to the following committees, effective October 1997: Appropriations; Appropriations, Subcommittee on Natural and Economic Resources; Commerce; Commerce, Subcommittee on Travel and Tourism; Education; Education, Subcommittee on Universities; Judiciary II; and Technology.

Representative Allen is escorted to his seat by Representatives Black and Daughtry.

The Speaker orders a Special Message sent to the Senate notifying them of the action taken.

QUORUM CALL

In order to establish a quorum, the Speaker directs an electronic call of the roll of the Members of the House and the following Representatives are recorded as present: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 112.

Leaves of absence are granted Representatives Blue, Gray, McAllister, and Smith for today.

One hundred twelve members having answered the call, the Speaker declares a quorum present. The House proceeds with public business.

Representative Morgan is recognized and states that he has placed a resolution with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the resolution and places **H.R. 1,** A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 1998 EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, before the Body.

On motion of Representative Morgan, the resolution is adopted, by electronic vote (105-10), and ordered printed.

COMMITTEE ASSIGNMENTS

The Chair states that the Committees on Appropriations; Appropriations, Subcommittee on Human Resources; Finance; Pensions and Retirement; Rules, Calendar, and Operations of the House; and Human Resources are activated to meet, pursuant to the Rules, and that committee memberships are the same as those of the 1997 Regular Session.

SPECIAL MESSAGE TO THE SENATE

The Chair orders a message sent to the Senate informing that Honorable Body that the House of Representatives has seated Representative Gordon P. Allen as a member, and is organized and ready to proceed with public business for the 1998 Extra Session.

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY
EXTRA SESSION 1998

Senate Chamber
March 24, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the Senate is convened, pursuant to the Proclamation issued by the Governor, February 27, 1998, and is now

organized and ready to proceed with the public business of the State in Extra Session.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

Representative Holmes is recognized and states that he has placed a bill with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the bill and pursuant to H.R. 1, Section 1(7)a, **H.B. 2,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS WITH RESPECT TO CHILDREN'S HEALTH INSURANCE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

Co-Sponsor of the bill is Representative Allred.

Representative Black is recognized and states that he has placed a bill with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the bill and pursuant to H.R. 1, Section 1(7)a, **H.B. 3,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO APPROPRIATE FUNDS THEREFOR, is read the first time and referred to the Committee on Appropriations, Subcommittee on Human Resources.

Co-Sponsors of the bill are as follows: Representatives Adams, Alexander, Allen, Baddour, Beall, Blue, Bonner, Braswell, Cole, Crawford, Culpepper, Cunningham, Dedmon, Earle, Easterling, Fitch, Fox, Gamble, Goodwin, Hackney, Hardaway, Hensley, Hightower, H. Hunter, R. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, Luebke, McCrary, Mercer, Michaux, Miller, Moore, Mosley, Nesbitt, Nye, Oldham, Owens, Ramsey, Redwine, Rogers, Saunders, Smith, Sutton, Tolson, Wainwright, Warner, Warwick, Womble, Wright, and Yongue.

Representative Morgan is recognized and states that he has placed a bill with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the bill and pursuant to H.R. 1, Section 1(7)a, **H.B. 4,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS WITH RESPECT TO CHILDREN'S HEALTH

INSURANCE, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Morgan is recognized and states that he has placed a resolution with the Clerk for consideration by the Body.

The Speaker directs the Principal Clerk to number the resolution and pursuant to H.R. 1, Section 1(7)a, **H.J.R. 5,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Morgan moves, seconded by Representative Starnes, that the House adjourn, subject to the receipt of messages from the Senate and referral of bills, to reconvene March 25 at 10:00 a.m. The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO APPROPRIATE FUNDS THEREFOR, is read the first time and referred to the Committee on Appropriations, Subcommittee on Human Resources.

The House stands adjourned at 4:26 p.m.

SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, March 25, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O God, You are always at the ready to hear us when we pray. You are always more willing to listen to us than we are to speak to You. Hear us

now as we pray. Our work is before us. Philosophical and ideological agendas may divide us. Nevertheless, we have work to do...not our work, but Your work for Your people. Engage our minds to think. Pierce our hearts to feel. Give us eyes to see the faces and the places and the scenes of life that our decisions affect. Lord God, help us to keep these images before us as we ponder our votes and our political strategies, for it is only in these pictures that our work can find satisfaction and ultimate success. We ask these things according to Your abundant mercy, O God. And, we thank You for the opportunity to be faithful. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 24 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (106-1).

Leaves of absence are granted Representatives Gray, McAllister, McMahan, and Neely for today.

The Speaker authorizes the following commissions and committees to meet during the 1998 Extra Session: Environmental Review Commission; Administrative Procedure Oversight Committee; Hospital, Medical, and Dental Service Corporation Charter Conversion Study Commission; Legislative Research Commission Building Code Issues Committee; Study Commission on the Future of Electric Service in North Carolina; Legislative Research Commission Lien Laws Issues Committee; and Legislative Research Commission State Construction Study Committee.

Representative Morgan moves, seconded by Representative Holmes , that the House adjourn, subject to the receipt of Committee Reports and re-referral of bills to reconvene March 26 at 10:00 a.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee and permanent subcommittee are presented:

By Representatives Gardner, Cansler, and Clary, Co-Chairs, for the Permanent Subcommittee on Human Resources of the Standing Committee

on Appropriations, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO APPROPRIATE FUNDS THEREFOR, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

On motion of the Chair, pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

(The Committee on Finance considers the bill and further reports.)

By Representatives Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO REQUIRE THAT APPLICATION BE MADE AT LOCAL HEALTH DEPARTMENTS AND COUNTY DEPARTMENTS OF SOCIAL SERVICES; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar of March 26. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

The House stands adjourned at 5:30 p.m.

THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, March 26, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by the Reverend Angela Cook, First Presbyterian Church, Raleigh, North Carolina.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 25 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (111-0).

Leaves of absence are granted Representatives Blue, Gray, McAllister, and Neely for today. Representative Sherrill is excused for a portion of the session.

CALENDAR

Action is taken on the following:

House Committee Substitute No. 2 for **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.

Representative Insko offers Amendment No. 1 which fails of adoption by electronic vote (49-66).

Representative Redwine offers Amendment No. 2 which fails of adoption by electronic vote (53-62).

Representative Culpepper offers Amendment No. 3 which is adopted by electronic vote (107-0).

Representative Hall offers Amendment No. 4 which is adopted by electronic vote (114-1).

Representative Allen requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (115-0).

Representative Allred offers Amendment No. 5 which is adopted by electronic vote (114-1).

Representative Michaux offers Amendment No. 6 which is adopted by electronic vote (66-47).

Representative Wood offers Amendment No. 7, which is temporarily displaced.

Representative Moore offers Amendment No. 8 which is adopted by electronic vote (101-6).

Representatives Ellis and Morgan state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (103-5).

Representative Nesbitt offers Amendment No. 9 which fails of adoption by electronic vote (52-63).

Amendment No. 7, which was temporarily displaced, is before the Body.

Amendment No. 7 is adopted by electronic vote (108-4).

Representative Gardner calls the previous question on the passage of the bill and the call is sustained by electronic vote (61-54).

The bill, as amended, passes its second reading by the following vote.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Allred, Arnold, Baker, Barbee, Berry, Bowie,

Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Daughtry, Davis, Dickson, Dockham, Eddins, Ellis, Esposito, Gardner, Grady, Gulley, Hall, Hardy, Hiatt, Hill, Holmes, Howard, Hurley, Ives, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Moore, Morgan, Morris, Nichols, Nye, Preston, Rayfield, Reynolds, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Warner, Warwick, Watson, Weatherly, C. Wilson, and G. Wilson - 66.

Voting in the negative: Representatives Adams, Alexander, Allen, Baddour, Beall, Black, Bonner, Boyd-McIntyre, Braswell, Cole, Culpepper, Cunningham, Decker, Dedmon, Earle, Easterling, Fitch, Fox, Gamble, Goodwin, Hackney, Hardaway, Hensley, Hightower, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Kinney, Luebke, McCrary, Mercer, Michaux, Miller, Mosley, Nesbitt, Oldham, Owens, Ramsey, Redwine, Saunders, Sutton, Tolson, Wainwright, Womble, Wood, Wright, and Yongue - 49.

Excused absences: Representatives Blue, Gray, McAllister, and Neely - 4.

On motion of the Speaker, and without objection, the bill remains on the Calendar for its third roll call reading.

On a point of order, Representative R. Hunter inquires of the Chair if Section 3.1 of the bill complies with H.R. 1, Section 1(5). The Chair rules that the provision does comply.

Representative Cansler calls the previous question on the passage of the bill and the call is sustained by electronic vote (61-52).

The bill, as amended, passes its third reading by the following vote.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Allred, Arnold, Baker, Barbee, Berry, Bowie, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Daughtry, Davis, Dickson, Dockham, Eddins, Ellis, Esposito, Gardner, Grady, Gulley, Hall, Hardy, Hiatt, Hill, Holmes, Howard, Hurley, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Moore, Morgan, Morris, Nichols, Nye, Preston, Rayfield, Reynolds, Russell, Sexton, Shubert, Smith, Starnes, Tallent, Thompson, Warner, Warwick, Watson, Weatherly, C. Wilson, and G. Wilson - 64.

Voting in the negative: Representatives Adams, Alexander, Allen, Baddour, Black, Bonner, Boyd-McIntyre, Braswell, Cole, Culpepper, Cunningham, Decker, Dedmon, Earle, Easterling, Fitch, Fox, Gamble, Goodwin, Hackney, Hardaway, Hensley, Hightower, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Kinney, Luebke, McCrary, Mercer, Michaux, Miller, Mosley, Nesbitt, Oldham, Owens, Ramsey, Redwine, Rogers, Saunders, Sutton, Tolson, Wainwright, Womble, Wood, Wright, and Yongue - 49.

Excused absences: Representatives Blue, Gray, McAllister, Neely, and Sherrill - 5.

The bill is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute No. 2 by Special Message.

Representative Morgan moves, seconded by Representative Black, that the House adjourn, subject to the receipt of Messages and the appointment of conferees, to reconvene Monday, March 30, 1998, at 7:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY
EXTRA SESSION 1998

Senate Chamber
March 26, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute Bill No. 2 to **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO APPROPRIATE FUNDS THEREFOR, which House Committee Substitute Bill No. 2 proposes to change the title, upon concurrence, to read **S.B. 2,** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA

TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE, and requests conferees. The President Pro Tempore appoints:

Senator Rand, Chairman	Senator Winner
Senator Martin of Guilford	Senator Lucas
Senator Cooper	Senator Phillips
Senator Ballance	Senator Purcell
Senator Perdue	

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints: Representative Daughtry, Chair; Representatives Gardner, Cansler, Clary, Esposito, Nye, Bonner, Howard, and Berry as conferees on the part of the House and the Senate is so notified by Special Message.

The House stands adjourned at 3:33 p.m.

FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, March 30, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Everlasting God, tonight we once again gather together in this chamber to hash out our respective and genuine differences in developing and enacting legislation that will benefit Your people. As the entrusted leaders of our State, we are in no position to play politics with the lives of others. We understand that we may, in fact, stand divided on precisely how to bring this or any legislation into concurrence. Thus, O God, we pray that as You watch over and discern the motivations of our hearts and minds, You would keep us ever focused on the tasks that are before us and on our responsibility to put the needs of others before the needs of our own. Have mercy upon us in all that we do. May our mutual efforts be pleasing and acceptable in Thy sight. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Barbee, Blue, Buchanan, Cansler, Davis, Dockham, Insko, McMahan, Redwine, Rogers, Starnes, Thompson, C. Wilson for today.

On motion of Representative Morgan, seconded by Representative Wainwright, the House adjourns at 7:05 p.m. to reconvene March 31 at 11:00 a.m.

FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, March 31, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Merciful God, we need Your help. We seek Your guidance. We covet Your intervention into the affairs of the work that awaits us. If only

there were clear answers to even life's most simple questions, our work would be so much easier. Unfortunately, life is not easy. It has never been. It will never be. But, You, O God, did not call us into office to make easy decisions. Rather, You gifted us with minds to wrestle and to struggle with the tough questions of life. In this very moment, may we surrender and humble ourselves to You, and may Thy Holy Spirit direct our paths on this and every day. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 30 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dockham, Rogers, Starnes, and Wood for today. Representatives Buchanan, Cole, Hackney, and Insko are excused for a portion of the session.

On motion of the Chair, the House recesses at 11:03 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFEREE CHANGES

The Speaker makes the following changes to the House appointees on the Conference Committee for **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE: Representatives

Clary, Bonner, and Nye are removed and Representatives Creech, Neely, and Morgan are appointed.

The Senate is so notified by Special Message of the action taken.

On motion of Representative Morgan, seconded by Representative Allen, the House adjourns at 4:03 p.m. to reconvene April 1 at 11:00 a.m.

SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, April 1, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Most Merciful God, we confess that we have not always loved You with our whole heart. We often fail to do Your will. We do not always love our neighbors as we love ourselves. We have broken Your laws. Forgive us, we pray; and free us for joyful obedience.

"Shine Your grace upon us as we seek to do Your work and the work of the people. In this period of impasse, help us to find ways to communicate with each other through words of kindness and with acts of grace. Keep us from selfish desires and ambitions and move our hearts to seek out the necessary areas of compromise. As we look forward to bringing an end to our differences, show us the way toward home. Guide our steps; open our hearts and minds; and point us in the direction of selflessness and servanthood. Help us all to see that if we truly seek to walk in the ways of God, that is the place where You will be standing...waiting for us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of March 31 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Luebke and Starnes for today.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 11:06 a.m. to reconvene April 2 at 9:00 a.m.

SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, April 2, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, Your presence with us is like that of a faithful parent who never leaves their child unattended. We, on the other hand, often find ways to sneak away and hide from You. But, who knows us better than You, O God. Who knows our thoughts like You do? Who knows why we do what we do better than You? Who understands our situations more clearly than You? No One! There is no one who can fathom the depths of our hearts and truly know us as You do. Search us and know us, O God. We humbly ask that You would bless us with Your presence and grant unto us the clarity of Your vision so that our work is complete, fair, honest, and just. Patiently, we will wait for Thee. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 1 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Preston, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 9:10 a.m. to reconvene Monday, April 6, 1998, at 6:00 p.m.

EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, April 6, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, from You comes every good and perfect gift and from You no secrets can be hidden. Cleanse the thoughts of our hearts and minds. Remove the biases and the prejudices that separate us. Speak clearly the words of truth that Thou hast for us. Enable us to see clearly through the clouds of dust that blind us and hinder us from completing our work. Teach us how wonderful it is to surrender our egos to You and to then let Thy Spirit guide our paths. Grant us Your grace to see that it is only through selfless acts and submission to God that we find true meaning to life and wholeness. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 2 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Dickson, Ives, McCrary, Preston, Starnes, and Wood for today.

On motion of Representative Morgan, seconded by Representative Allred, the House adjourns at 6:10 p.m. to reconvene April 7 at 10:00 a.m.

NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, April 7, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O Lord of Heaven and Earth, You are magnificent to us in every way. Despite our many shortcomings and failures, Your love remains steadfast. It is an unwavering love...one that does not leave or forsake us even when the cards are seemingly stacked against us. Oh, how we long to experience such love...to share it and display this same kind of faithfulness in all of our endeavors. This morning, I pray in earnest for, these, my brothers and sisters, and their difficult task of finding and reaching compromise without losing the foundations of their respective principles. Help them to reach out to each other with the same kind of love with which You have reached out to us and to our hearts. Capture us! Break the hard hearts of stone that may remain. Show us that the ultimate solutions are not in us, but in understanding and implementing Your divine love, God's love, even here. Yes, even here in these two chambers and among us, Your servants. May we who have ears to hear, receive Your grace. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 6 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dickson, Ives, McCrary, Preston, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Holmes, the House adjourns at 10:08 a.m. to reconvene April 8 at 10:00 a.m.

TENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, when the Hebrew people told Samuel that they wanted a king, he apologized to You because he felt that he had failed You. But,

You reminded Your prophet that the people had not rejected him, but rather, they had rejected You. In fact, what they had rejected was the sovereignty of God to rule over His people. They chose self-rule over the governorship of Almighty God.

"As we continue to gather each day and wait for progress to be made, we must admit that in failing to find compromise, we too, reject Your sovereignty as we seek our own wants over the wants of God. Have mercy on us, O God. And, help us to yield to Your will. May we be still and listen long enough to hear Your voice over the noise of politics. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 7 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dickson, Ives, Luebke, McCrary, Preston, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Esposito, the House adjourns at 10:02 a.m. to reconvene April 9 at 10:00 a.m.

ELEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, April 9, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Hear us, O God, as we pray.

"Eternal God, this morning I pray in earnest for these my brothers and sisters as they continue to struggle with this important piece of legislation that is before them. The lives, a sense of security, and financial relief hangs in the balance for all of those who may be affected by its passing. For many of us, today begins a period of holy and sacred days in which we reflect on Your great gift of sacrifice and love to us. As we enter into a posture of spiritual meditation, give my friends eyes to see that it is only

through the gift of sacrifice that life is truly given. Break down the barriers that may separate us. Rid our society of all evil and prejudice and bigotry and violence. Share with us Your spirit of humility and love and selflessness in order that we may grow in the grace and the true knowledge of love that can only be found in You. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Dickson, Ives, McCrary, McMahan, Preston, Rogers, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Culp, the House adjourns at 10:08 a.m. to reconvene Monday, April 13, 1998, at 7:00 p.m.

TWELFTH DAY

HOUSE OF REPRESENTATIVES
Monday, April 13, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, as we gather together this evening, incline Thine ear to us as we pray. We ask that You would focus our attention in these few seconds on Your holiness so that our solemn act of prayer is more than a mere custom or tradition of this Body. Rather, let our prayers be a fervent exercise in seeking Your divine guidance and will upon our actions. Through Your grace, help our work to become a channel of Your love and mercy in the lives of the people of North Carolina. Keep each one of us true to You, true to each other, true to our constituents, and true to ourselves. Empower us to act with holy boldness and with great conviction for what is right and good and just. At the last, bring us to a peaceful evening and let us rest in the knowledge that we have worked for the betterment of this State, this Body, and this tiny piece of Thy kingdom. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 9 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Jeffus, Mercer, McCrary, Moore, Preston, Starnes, and G. Wilson for today.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 7:06 p.m. to reconvene April 14 at 10:00 a.m.

THIRTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, April 14, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, as we wait, let us wait with patience. As we hope, let us hope for things from Thy Spirit. As we watch, let us watch with eyes of kindness. As we attempt to understand each other, let us do so with words of affirmation. As we ponder, let us ponder with thoughts that are pure. As we decide, let us decide with minds that are open to discerning heavenly things. As we are, let us be with hearts that are sober and filled with Your mercy and Your grace. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 13 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Daughtry, Jeffus, McCrary, Moore, Preston, Starnes, and G. Wilson for today.

On motion of Representative Morgan, seconded by Representative Esposito, the House adjourns at 10:15 a.m. to reconvene April 15 at 10:00 a.m.

FOURTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"To You, Great God of heaven and earth, be all glory given. You are the Author and Perfector of life. You created us out of Your very own breath. You gave us dominion over Your creation and called us into a relationship with You. When our love and affection for You failed, Your love remained steadfast. You have promised never to leave us, never to forsake us, and never to leave us to our own demise. We thank You and we offer unto You our very lives as we work to bring order to this part of Thy creation.

"We ask, O God, for You to intervene in any way You deem necessary to bring us together on this single issue of legislation that is before us. Wrestle with our consciences over our ideological and philosophical differences and help us to see where You would give and take. May our efforts truly be the product and the gift of our combined minds. We give You thanks and humbly, we hope to serve You in every way. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Luebke, McCrary, Moore, Preston, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Sherrill, the House adjourns at 10:14 a.m. to reconvene April 16 at 10:00 a.m.

FIFTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, April 16, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, we thank You for this opportunity to be representatives of the people. Folks from every corner of North Carolina believed in us enough to allow us the privilege to speak for them. We are honored, yet we are humbled by this awesome responsibility. What a wonder it is to sit and think that others had faith enough in us to say to us, 'Go, and speak for us. Go, and represent us well'.

"O God of remembrance, remind us of our sacred duty. Renew our commitment to those who have sent us. Keep our eyes focused on our reason for being here. Remove the tensions and enmity that seek to destroy us. And, by Your great mercy, let us sing with the Psalmist who wrote, 'Create in me a clean heart, O God. And, renew a right spirit within me'. May the words of our mouths and the meditations of our hearts be pleasing and acceptable to You, O Lord, our Rock and our Redeemer. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives McCrary, Moore, Preston, and Starnes for today.

On motion of Representative Morgan, seconded by Representative Howard, the House adjourns at 10:35 a.m. to reconvene Monday, April 20, 1998, at 7:00 p.m.

SIXTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, April 20, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain. A moment of silence is observed in honor and memory of the Honorable Terry Sanford.

"Almighty God, thank You for the weekend's rest and this new opportunity to serve You. Thank You for family and friends which enliven our lives and enrich our souls. We thank You for the renewed privilege to work, debate, and shape the direction of our State.

"This special session has been a lengthy process; perhaps more than any of us had expected. As is the custom among human beings, there has been some finger pointing, name calling, and maybe even a little of the ugly side of politics. But, I believe Lord, that these people have an inner desire to be true and faithful to their calling. Despite any leverage needed for the upcoming elections, there remains within this Body a sincere desire to offer our children, namely our future, all that is necessary for a successful and healthy upbringing. Open our eyes that we may see glimpses of truth that Thou has set for us. And, then set us on the right path so that we might accomplish it!

"O God of eternity, as we pray and mourn for the family of the Honorable Terry Sanford, may the mercies of Thy love and care enfold around Thy servant in this very hour. May he find within the splendor of Your kingdom, the peace, justice, and equity for which he labored so long and so hard here among his sisters and brothers. Have mercy on his soul and may God the Eternal have mercy upon each one of us. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 16 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brown, Dickson, Insko, McCrary, and Preston for today.

POINT OF PERSONAL PRIVILEGE

"Mr. Speaker, Members of the North Carolina House of Representatives:

"We are indeed saddened by the death on April 18, 1998, of a good and loyal friend; a former colleague in this Legislature, Governor of this State, United States Senator, and President of Duke University, Terry Sanford.

"His willingness to confront the enemy of the United States in World War II, then his equally strong determination to see that North Carolina moved forward in every respect - that every child was entitled to a quality education; that the State must improve its public school system, his commitment to a strong community college system - sound economic development - and to the performing arts - and finally equality for every citizen, is well-known to all.

"He believed in a progressive government and that politics is but the science of government.

"He never slowed down.

"Terry Sanford was a statesman of our State and a statesman of the United States.

"In his book, But What About the People, he chronicled his belief that government was to serve the people; not otherwise. This is a lesson for all of us.

"His footprints are in every corner of the State and will live on.

"Our hearts are heavy for his closest family, Margaret Rose and children - and his extended family made up of all of the citizens of the State he cherished."

On motion of the Chair and without objection, the foregoing remarks made by Representative Miller are spread upon the Journal.

Representative Morgan moves, seconded by Representative Miller that the House adjourn, in memory of Terry Sanford, former Governor of North Carolina and United States Senator, at 7:27 p.m. to reconvene April 21 at 9:00 a.m.

The motion carries.

SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, April 21, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Omnipotent God, who among us could ever hope to understand the mysteries of life that You know so well. We get up everyday. We go to work and we attempt to do whatever job we have before us. Life is very complex, thus we often find ourselves confronted with difficult choices both personally and corporately. We have seen this to be true in this Body, but it undoubtedly holds true in our homes, our businesses, and our relationships, as well. We run smack up against the very simple truth that we cannot traverse the road of life on our own. And so, hopefully, we are good at practicing the exercise of prayer seeking Godly answers to our many and varied situations and circumstances.

"However, prayer is not easy. It is one thing to merely rattle off words from our mouths and expect little or nothing to change...to simply go through the motions of prayer and shrug it off as if it was just another item on our 'to do' list. But, it is indeed, quite another thing to take the discipline of prayer seriously and actually position ourselves in a posture of submission and listen for the voice of God.

"Do we do that, Lord? Are we searching You with the right spirit? Are we intentional when seeking Your guidance upon our lives? Do we search for You at all? Could it be that You, O God, do in fact listen to us? Could it be that what we may do in a perfunctory manner actually leads to Your searching and knowing what is really deep down in the marrow of our bones?

"Lord, help us to believe that prayer is not some magical remedy that we can use to get our own way or that we just utter to appease our own consciences. Rather, show us how prayer, true prayer, can be a dialogue with the sacred and conversation with the living God. Perhaps if we can put aside, for even a moment, all of the prideful pretenses that cloak us and all of our vulnerabilities, just maybe we might hear God's voice speaking to us through the deafening silence of prayer. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 20 has been examined and found correct, subject to the inclusion of the remarks by Representative

Miller in memory of the Honorable Terry Sanford. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brown, McCrary, Preston, and Rogers for today.

On motion of the Chair, the House recesses at 9:07 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of Representative Morgan, seconded by Representative Shubert, the House adjourns at 1:45 p.m. to reconvene April 22 at 9:00 a.m.

EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, April 22, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, grant unto us humble access as we come before you in humility.

"Offer unto us the strength of Sampson to withstand the struggles of our duties; the patience of Job as we wait; the wisdom of Solomon as we discern Your will; and the Spirit of God as we seek to do Your will faithfully and without anger or bias or prejudice, but with pure hearts that are eager to serve. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 21 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brown, McCrary, and Preston for today.

On motion of Representative Morgan, seconded by Representative Culp, the House adjourns at 9:09 a.m. to reconvene April 23 at 2:00 p.m.

NINETEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, April 23, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Glorious God, You are the Alpha and Omega, the Beginning and the End. Through You everything has been born, and through You, everything draws its breath. We thank You and offer You our whole heart's praise because we are Yours and we are wonderfully made.

"Holy God, help us to pause, to take a deep breath, and to rest in this brief moment of respite from the busyness that consumes us and often keeps us from appreciating the serene and simple things that life has to offer. Force us to look deeply into our hearts and decide what we can eliminate from the race of life that we run so swiftly. Thus, we can stop and give thanks to You for the wonder and blessing of life and the joy of living it fully and faithfully.

"Thank You for putting us in our respective positions of power and influence. By doing so, You have demonstrated to us Your faith and trust in our abilities to be good servant leaders. With these gifts comes great responsibility! Help us now to move forward from this moment of rest and meditation and be about the work and business of building a better life for all of Your precious children. In Your most Holy and exalted name, we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brown, McCrary, and Preston for today.

On motion of Representative Morgan, seconded by Representative Mitchell, the House adjourns at 3:25 p.m. to reconvene Monday, April 27, 1998, at 7:00 p.m.

TWENTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, April 27, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Dear God of Patience, how You get frustrated with us at times. We are sorry, but we are human. And despite all of our feeble attempts to be God, we are not. We simply cannot be sovereign, even though we may in some way think that our positions entitle us to be so.

"God of Justice, how You must cringe when, by our efforts, we muddy the waters of leadership. How You must be saddened when who we are is determined by who others tell us to be. How You must become discouraged when politicians and pundits and reporters alike use subtleties from our speech and excerpts from our conversations and take calculated angles to make points for personal gain.

"Forgive us, O God of Mercy and Compassion, and set our feet on solid ground, lest we be in danger of slipping over the edge of conceit and arrogance. Forgive us, O God of Mercy and Compassion, and set our feet on solid ground, lest we be guilty of abusing the power that has been granted unto us. Forgive us, O God of Mercy and Compassion, and set our feet on solid ground. Grant that both the House and Senate will respond this week with nothing less than their best and wholehearted efforts to resolve their differences. Forgive us, O God of Mercy and Compassion, and set our feet on solid ground. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 23 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Brown, Daughtry, McCrary, McMahan, and Preston for today.

On motion of Representative Morgan, seconded by Representative Buchanan, the House adjourns at 7:07 p.m. to reconvene April 28 at 10:00 a.m.

TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, April 28, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, what does it mean to surrender to Your will? How do we go about submitting our will to Yours? A cursory glance back throughout history gives us a clear picture of what can happen when we refuse to surrender to You, choosing our will over the will of God. When the parents of humankind chose their own self-will over submission to the will of God, they became outcasts in their own country. When ancient Israel chose to elect a king rather than submit to Your kingship, they were immediately besieged by neighboring kingdoms. And, on and on throughout the timeline of human history, we can see how choosing our own free will over submission to God's will serves no other purpose than to alienate us and drive us further from You and the Truth.

"We are in desperate need for You, O God of Eternal Sovereignty, to humble each one of us enough so that deep within our hearts we are forced to ask ourselves if we are, indeed, surrendering to the voice of God, or choosing to be our own gods instead. Can we learn to exercise enough humility to allow Your rule over our decisions, our actions, our words...over our lives? Help us to realize that true leadership and trust and honor comes not from imposing our own will over another. Rather, these characteristics of integrity are gifts from You which cannot be earned, but

can only be given when we allow our hearts to be completely changed to an attitude of surrender and submission to Almighty God. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 27 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Brown, Daughtry, and McCrary for today.

On motion of Representative Morgan, seconded by Representative Watson, the House adjourns at 10:39 a.m. to reconvene April 29 at 10:00 a.m.

TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, April 29, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, we thank Thee for this new and glorious day, for all of the goodness that comes from Thy mercy, for Thy spirit which heals broken hearts, mends broken fences, and unites broken people.

"We continue to pray for the labor of this Body. In all that we say and do, may we see clearly, the many faces of Your people whose lives dot the landscape of North Carolina. Keep us always mindful of our responsibility to care and to act in the best interests of those who have entrusted us with their lives.

"We are hopeful that today's legislation will be a day of hope and healing for the people of North Carolina. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 28 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Brown, Luebke, and McCrary for today.

On motion of Representative Morgan, seconded by Representative G. Wilson, the House adjourns at 10:12 a.m. to reconvene April 30 at 9:00 a.m.

TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, April 30, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, we thank Thee for this new and glorious day, for all the goodness that comes from Thy mercy, for Thy spirit which heals broken hearts, mends broken fences, and unites broken people.

"We pray for the labor and the work of this Body. In all that we say and do, may we see clearly, the many faces of Your people--Your children whose faces dot the landscape of North Carolina. Keep us always mindful of our responsibility to care and to act in the best interests of those who have entrusted us with their lives.

"And now, we are hopeful that today's legislation will be a day of hope and healing for this entire General Assembly; the people of North Carolina; and especially for the children, the future of our great State. May God have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of April 29 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Berry, McComas, C. Wilson and Wright for today. Representatives Shubert, Howard and Ives are excused for a portion of the session.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 5, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION, with a favorable report as to committee substitute joint resolution, unfavorable as to original resolution.

Pursuant to Rule 36(a), the committee substitute resolution is placed on today's Calendar. The original resolution is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY EXTRA SESSION 1998

Senate Chamber
April 2, 1998

Mr. Speaker:

On **S.B. 2** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHT-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE

INSURANCE, it is ordered that a message be sent to the House of Representatives with the information that Senator Wellons has been appointed as an additional conferee.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY
EXTRA SESSION 1998

Senate Chamber
April 29, 1998

Mr. Speaker:

On **S.B. 2** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HEALTH INSURANCE PROGRAM FOR CHILDREN AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 3, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION.

Pursuant to **H.R. 1**, Section (7)a and without objection, the resolution is placed on today's Calendar.

CONFERENCE REPORT

Representative Cansler sends forth the Conference Report on House Committee Substitute for **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHT-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE

Pursuant to **H.R. 1**, Section (10), the Conference Report is placed on today's Calendar.

Representative Cansler moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 2

To: THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 2, A BILL TO BE ENTITLED AN ACT TO ESTABLISH RITE CARE: THE CHILD HEALTH INSURANCE PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN UP TO ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL AND UNINSURED FOR SIX MONTHS PRIOR TO APPLICATION; TO PROVIDE ADMINISTRATION OF PROGRAM BENEFITS UNDER THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO AUTHORIZE PROGRAM ENROLLEES TO PURCHASE EXTENDED OR ADDITIONAL COVERAGE UNDER THE PROGRAM; TO AUTHORIZE PREMIUMS AND OTHER COST-SHARING UNDER THE PROGRAM; TO ESTABLISH THE JOINT LEGISLATIVE

OVERSIGHT COMMITTEE ON CHILD HEALTH INSURANCE; AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE AND LONG-TERM CARE INSURANCE, House Committee #2, Fourth Edition Engrossed 3/26/98, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute #2, Fourth Edition Engrossed 3/26/98, and the House concurs in the House Committee #2, Fourth Edition Engrossed 3/26/98, with the following amendment:

Delete the entire House Committee Substitute #2, Fourth Edition Engrossed 3/26/98, and substitute the attached Proposed Conference Committee Substitute S2-PCCS7882.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: April 29, 1998

Conferees for the Senate
S/ Anthony E. Rand, Chairman
S/ William N. Martin
S/ Roy A. Cooper, III
S/ Frank W. Ballance, Jr.
S/ Beverly E. Perdue
S/ Leslie Winner
S/ Jeanne H. Lucas
S/ Jim W. Phillips, Sr.
S/ William R. Purcell

Conferees for the House of Representatives
S/ N. Leo Daughtry, Chair
S/ Charlotte A. Gardner
S/ Lanier M. Cansler
S/ Billy J. Creech
S/ Theresa H. Esposito
S/ Richard T. Morgan
S/ Charles B. Neely, Jr.

Representative Hensley inquires of the Chair, if a section, not found in the original bill or in the House response, is in the Conference Report, is it germane according to Rule 44(b). The Chair states that it depends on the subject matter and whether or not it is implied. The Chair rules that the section in question is germane.

The Conference Report, which changes the title, is adopted by electronic vote (99-2). (The Conference Committee Substitute may be found in its entirety in the Appendix.)

SUSPENSION OF RULES

On motion of Representative Morgan and without objection, Rule 36 is suspended in order that bills in House committees unaccompanied by a request from the principal introducer remain in committee.

CALENDAR

Action is taken on the following:

S.J.R. 3, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

BILLS PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 2, AN ACT TO ESTABLISH THE HEALTH INSURANCE PROGRAM FOR CHILDREN AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE.

ENROLLED BILLS

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 3, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION. (RESOLUTION 1)

Representative Morgan moves, seconded by Representative Mitchell, that the 1997 House of Representatives meeting in Extra Session under call of the Governor, adjourn **sine die**. The motion carries.

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House has concluded its business and stands ready to adjourn **sine die**.

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY
EXTRA SESSION 1998

Senate Chamber
April 30, 1998

Mr. Speaker:

It is ordered that a message be sent your Honorable Body respectfully advising that the Senate has concluded the business of the Extra Session of the 1997 General Assembly and pursuant to the ratification of **S.J.R. 3,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 1998 EXTRA SESSION, stands ready to open the doors of the Senate immediately upon receipt of a message from the House of Representatives that your Honorable Body is ready to open the doors to the end that the gavels may fall simultaneously and adjournment be declared *sine die.*

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker directs the Sergeant-at-Arms to open the doors of the House.

The doors of the Senate are opened and the President stands ready to let the gavel fall. The Speaker sounds the gavel and declares the House of Representatives of the 1997 Session, 1998 Extra Session, of the General Assembly of North Carolina, adjourned **sine die**.

Denise G. Weeks
Principal Clerk

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 41(b) states:

No bill shall be read more than once in the same day without the concurrence of two-thirds (2/3) of the members present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) When a member moves that the Rule be suspended, and this motion carries by at least a two-thirds vote of the members present.

(2) When the Chair determines that there is no objection from any member present. This constitutes unanimous consent of those members present that Rule 41(b) be suspended.

In these cases, the bill is read a third time.

Denise G. Weeks
Principal Clerk

APPENDIX

EXTRA SESSION 1998

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H.R. 1, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 1998 EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives:

Section 1. The permanent rules of the 1997 Regular Session of the House of Representatives, with the following amendments, are adopted as the permanent rules of the 1998 Extra Session:

(1) Notwithstanding Rule 1, if the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene at 10:00 a.m. on the next legislative day.

(2) Notwithstanding Rule 26(b), the Appropriations Committee is comprised of the members of the Appropriations Subcommittee on Human Resources and such other members as the Speaker appoints.

(3) Notwithstanding Rule 27, the standing committees and permanent subcommittees of the House are:

	Committees	Subcommittees
a.	Appropriations	Human Resources
b.	Finance	(None)
c.	Pensions and Retirement	(None)
d.	Rules, Calendar, and Operations of the House	(None)
e.	Human Resources	(None).

The Speaker may appoint select committees under Rule 26.

(4) Notwithstanding Rule 31(a), all bills and resolutions shall be introduced by submitting same to the Principal Clerk's office.

(5) Notwithstanding Rule 31(g), the only resolutions that may be introduced or considered in the House are resolutions adjourning the Extra Session sine die. All bills shall be excluded from introduction or consideration in the House, other than bills providing for the adoption of a State plan for the purpose of receiving federal money under Title XXI of the Social Security Act for children's health care coverage.

(6) Notwithstanding Rule 31.1, all bills or resolutions must be introduced not later than 2:00 p.m. on Wednesday, March 25, 1998.

(7) Notwithstanding Rule 41:

a. The first reading and reference to a standing committee of a House bill shall occur on the legislative day of its introduction. The first reading and reference to a standing committee of a Senate bill shall occur on the

legislative day of its receipt on messages from the Senate. Provided that, notwithstanding Rule 32 and Rule 38, if the Senate bill is identical to a House bill already on the calendar, the Speaker may, after first reading, place the Senate bill on the calendar. The Speaker shall give notice at each subsequent reading whether it be the second or third reading.

b. No bill shall be read more than once on the same day without the concurrence of a majority of the members present and voting; provided, no bill governed by Article II, Section 23 of the North Carolina Constitution or described in Rule 20(a)(2) shall be read twice on any one day in any circumstance.

(8) Notwithstanding Rule 43.2, a Senate amendment to a bill originating in the House may be placed on the calendar for the legislative day on which the House receives the Senate amendment.

(9) Notwithstanding Rule 43.3(a), whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, the bill may be placed on the calendar for the legislative day on which the House receives that committee substitute.

(10) Notwithstanding Rule 44(d), a conference report shall be placed on the calendar for the legislative day of the report.

Section 2. This resolution is effective upon adoption.

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 2

PCCS7882, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HEALTH INSURANCE PROGRAM FOR CHILDREN AND TO AUTHORIZE A TAX CREDIT FOR CERTAIN PURCHASERS OF DEPENDENT HEALTH INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 108A of the General Statutes is amended by adding the following new Part to read:

"Part 8. Health Insurance Program for Children.

"**§ 108A-70.18. Definitions.**

Unless the context clearly requires otherwise, the term:

(1) 'Comprehensive health coverage' means creditable health coverage as defined under Title XXI.

(2) 'Family income' has the same meaning as used in determining eligibility for the Medical Assistance Program.

(3) 'FPL' or 'federal poverty level' means the federal poverty guidelines established by the United States Department of Health and Human Services, as revised each April 1.

(4) 'Medical Assistance Program' means the State Medical Assistance Program established under Part 6 of Article 2 of Chapter 108A of the General Statutes.

(5) 'Program' means The Health Insurance Program for Children established in this Part.

(6) 'State Plan' means the State Child Health Plan for the State Children's Health Insurance Program established under Title XXI.

(7) 'Title XXI' means Title XXI of the Social Security Act, as added by Pub. L. 105-33, 111 Stat. 552, codified in scattered sections of 42 U.S.C. (1997).

(8) 'Uninsured' means the applicant for Program benefits was not covered under any private or employer-sponsored comprehensive health insurance plan for the six-month period immediately preceding the date the Program becomes effective. Effective six months from date the Program becomes effective, 'uninsured' means the applicant is and was not covered under any private or employer-sponsored comprehensive health insurance plan for 60 days immediately preceding the date of application. The waiting periods required under this subdivision shall

be waived if the child has lost Medicaid eligibility due to a change in family income or has lost employer-sponsored comprehensive health care coverage due to termination of employment, cessation by the employer of employer-sponsored health coverage, or cessation of the employer's business.

"§ 108A-70.19. Short title; purpose; no entitlement.

This Part may be cited as 'The Health Insurance Program for Children Act of 1998.' The purpose of this Part is to provide comprehensive health insurance coverage to uninsured low-income children who are residents of this State. Coverage shall be provided from federal funds received, State funds appropriated, and other nonappropriated funds made available for this purpose. Nothing in this Part shall be construed as obligating the General Assembly to appropriate funds for the Program or as entitling any person to coverage under the Program.

"§108A-70.20. Program established.

The Health Insurance Program for Children is established. The Program shall be administered by the Department of Health and Human Services in accordance with this Part and as required under Title XXI and related federal rules and regulations. Administration of Program benefits and claims processing shall be as provided under Part 5 of Article 3 of Chapter 135 of the General Statutes.

"§ 108A-70.21. Program eligibility; benefits; enrollment fee and other cost-sharing; coverage from private plans; purchase of extended coverage.

(a) Eligibility. -- The Department may enroll eligible children based on availability of funds. Following are eligibility and other requirements for participation in the Program:

(1) Children must:

a. Be under the age of 19;

b. Be ineligible for Medicaid, Medicare, or other federal government-sponsored health insurance;

c. Be uninsured;

d. Be in a family that meets the following family income requirements:

1. Infants under the age of one year whose family income is from one hundred eighty-five percent (185%) through two hundred percent (200%) of the federal poverty level;

2. Children age one year through five years whose family income is above one hundred thirty-three percent (133%) through two hundred percent (200%) of the federal poverty level; and

3. Children age six years through eighteen years whose family income is above one hundred percent (100%) through two hundred percent (200%) of the federal poverty level;

e. Be a resident of this State and eligible under federal law; and

f. Have paid the Program enrollment fee required under this Part.

(2) Proof of family income and residency and declaration of uninsured status shall be provided by the applicant at the time of application for Program coverage. The family member who is legally responsible for the children enrolled in the Program has a duty to report any change in the enrollee's status within 60 days of the change of status.

(3) If a responsible parent is under a court order to provide or maintain health insurance for a child and has failed to comply with the court order, then the child is deemed uninsured for purposes of determining eligibility for Program benefits if at the time of application the custodial parent shows proof of agreement to notify and cooperate with the child support enforcement agency in enforcing the order.

If health insurance other than under the Program is provided to the child after enrollment and prior to the expiration of the eligibility period for which the child is enrolled in the Program, then the child is deemed to be insured and ineligible for continued coverage under the Program. The custodial parent has a duty to notify the Department within 10 days of receipt of the other health insurance, and the Department, upon receipt of notice, shall disenroll the child from the Program. As used in this paragraph, the term `responsible parent' means a person who is under a court order to pay child support.

(4) Except as otherwise provided in this section, enrollment shall be continuous for one year. At the end of each year, applicants may reapply for Program benefits.

(b) Benefits. -- Except as otherwise provided for eligibility, fees, deductibles, copayments, and other cost-sharing charges, health benefits coverage provided to children eligible under the Program shall be equivalent to coverage provided for dependents under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan, including optional prepaid plans. Prescription drug providers shall accept as payment in full, for outpatient prescriptions filled, ninety percent (90%)

of the average wholesale price for the prescription drug or the amounts published by the Health Care Financing Administration plus a fee established by the provider not to exceed the amount authorized under subdivision (d)(3) of this section. All other health care providers providing services to Program enrollees shall accept as payment in full for services rendered the maximum allowable charges under the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan for services less any copayments assessed to enrollees under this Part. No child enrolled in the Plan's self-insured indemnity program shall be required by the Plan to change health care providers as a result of being enrolled in the Program.

In addition to the benefits provided under the Plan, the following services and supplies are covered under the Health Insurance Program for Children established under this Part:

(1) Dental: Oral examinations, teeth cleaning, and scaling twice during a 12-month period, full mouth X rays once every 60 months, supplemental bitewing X rays showing the back of the teeth once during a 12-month period, fluoride applications once during a 12-month period, and routine fillings of amalgam or other tooth-colored filling material to restore diseased teeth. No benefits are to be provided for services under this subsection that are not performed by or upon the direction of a dentist, doctor, or other professional provider approved by the Plan nor for services and materials that do not meet the standards accepted by the American Dental Association.

(2) Vision: Scheduled routine eye examinations once every 12 months, eyeglass lenses or contact lenses once every 12 months, routine replacement of eyeglass frames once every 24 months, and optical supplies and solutions when needed. Optical services, supplies, and solutions must be obtained from licensed or certified opthamologists, optometrists, or optical dispensing laboratories. Eyeglass lenses are limited to single vision, bifocal, trifocal, or other complex lenses necessary for a Plan enrollee's visual welfare. Coverage for oversized lenses and frames, designer frames, photosensitive lenses, tinted contact lenses, blended lenses, progressive multifocal lenses, coated lenses, and laminated lenses is limited to the coverage for single vision, bifocal, trifocal, or other complex lenses provided by this subsection. Eyeglass frames are limited to those made of zylonite, metal, or a combination of zylonite and metal. All visual aids covered

by this subsection require prior approval of the Plan. Upon prior approval by the Plan, refractions may be covered more often than once every 12 months.

(3) Hearing: Auditory diagnostic testing services and hearing aids and accessories when provided by a licensed or certified audiologist, otolaryngologist, or other hearing aid specialist approved by the Plan. Prior approval of the Plan is required for hearing aids, accessories, earmolds, repairs, loaners, and rental aids.

(c) Annual Enrollment Fee. -- There shall be no enrollment fee for Program coverage for enrollees whose family income is at or below one hundred fifty percent (150%) of the federal poverty level. The enrollment fee for Program coverage for enrollees whose family income is above one hundred fifty percent (150%) of the federal poverty level shall be fifty dollars ($50.00) per year per child with a maximum annual enrollment fee of one hundred dollars ($100.00) for two or more children. The enrollment fee shall be collected by the county department of social services and retained to cover the cost of determining eligibility for services under the Program. County departments of social services shall establish procedures for the collection of enrollment fees.

(d) Cost-Sharing. -- There shall be no deductibles, copayments, or other cost-sharing charges for families covered under the Program whose family income is at or below one hundred fifty percent (150%) of the federal poverty level. Families covered under the Program whose family income is above one hundred fifty percent (150%) of the federal poverty level shall be responsible for copayments to providers as follows:

(1) Five dollars ($5.00) per child for each visit to a provider, except that there shall be no copayment required for well-baby, well-child, or age-appropriate immunization services;

(2) Five dollars ($5.00) per child for each outpatient hospital visit;

(3) A six-dollar ($6.00) fee for each outpatient prescription drug purchased;

(4) Twenty dollars ($20.00) for each emergency room visit unless:

a. The child is admitted to the hospital, or

b. No other reasonable care was available as determined by the Claims Processing Contractor of the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan.

Copayments required under this subsection for prescription drugs apply only to prescription drugs prescribed on an outpatient basis.

(e) Cost-Sharing Limitations. -- The total annual aggregate cost-sharing, including fees, with respect to all children in a family receiving Program benefits under this Part shall not exceed five percent (5%) of the family's income for the year involved. To assist the Department in monitoring and ensuring that the limitations of this subsection are not exceeded, the Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan shall provide data to the Department showing cost-sharing paid by Program enrollees.

(f) Coverage From Private Plans. -- The Department shall, from funds available for the Program, pay the cost for dependent coverage provided under a private insurance plan for persons eligible for coverage under the Program if all of the following conditions are met:

(1) The person eligible for Program coverage requests to obtain dependent coverage from a private insurer in lieu of coverage under the Program and shows proof that coverage under the private plan selected meets the requirements of this subsection;

(2) The dependent coverage under the private plan is actuarially equivalent to the coverage provided under the Program and the private plan does not engage in the exclusive enrollment of children with favorable health care risks;

(3) The cost of dependent coverage under the private plan is the same as or less than the cost of coverage under the Program; and

(4) The total annual aggregate cost-sharing, including fees, paid by the enrollee under the private plan for all dependents covered by the plan, do not exceed five percent (5%) of the enrollee's family income for the year involved.

The Department may reimburse an enrollee for private coverage under this subsection upon a showing of proof that the dependent coverage is in effect for the period for which the enrollee is eligible for the Program.

(g) Purchase of Extended Coverage. -- An enrollee in the Program who loses eligibility due to an increase in family income above two hundred percent (200%) of the federal poverty level and up to and including two hundred twenty-five percent (225%) of the federal poverty level may purchase at full premium cost continued coverage under the Program for a period not to exceed one year beginning on the date the enrollee becomes ineligible under the income requirements for the Program. The same benefits, copayments, and other conditions of enrollment under the Program shall apply to extended coverage purchased under this subsection.

(h) No State Funds for Voluntary Participation. -- No State or federal funds shall be used to cover, subsidize, or otherwise offset the cost of coverage obtained under subsection (g) of this section.

"§ 108A-70.22. Allocation of federal and State funds for Program; consultation with Joint Legislative Health Care Oversight Committee.

The Department of Health and Human Services, after having consulted with and received advice from the Joint Legislative Health Care Oversight Committee established under G.S. 120-70.110, shall from total funds available to the Department for Program implementation, allocate and adjust, as needed, funds to pay the North Carolina Teachers' and State Employees' Major Medical Plan in accordance with G.S. 108A-70.23 and Part 5 of Article 3 of Chapter 135 of the General Statutes, and funds to pay for eligible services provided for children with special needs in accordance with G.S. 108A-70.23.

"§ 108A-70.23. Services for children with special needs established; definition; eligibility; services; limitation; recommendations; no entitlement.

(a) The Department shall, from federal funds received and State funds appropriated for the Program, pay for services for children with special needs as authorized under this section. As used in this section, the term `children with special needs' or `special needs child' means children who have been diagnosed as having one or more of the following conditions which in the opinion of the diagnosing physician (i) is likely to continue indefinitely, (ii) interferes with daily routine, and (iii) require extensive medical intervention and extensive family management:

(1) Birth defect, including genetic, congenital, or acquired disorders;
(2) Developmental disability as defined under G.S. 122C-3;
(3) Mental or behavioral disorder; or
(4) Chronic and complex illnesses.

(b) Eligibility for Services. -- In order to be eligible for services under this section a special needs child must be enrolled in the Program.

(c) Services Provided. -- The services authorized to be provided to children eligible under this section are as follows:

(1) The same level of services as provided for special needs children under the Medical Assistance Program as authorized in the Current Operations Appropriations Act except that no services for long-term care shall be provided under this section, and except that services for respite care shall be provided only under emergency circumstances; and
(2) Only those services eligible under this section that are not covered or otherwise provided under Part 5 of Article 3 of Chapter 135 of the General Statutes.

(d) Limitation. -- Funds may be expended for services under this section only if the special needs child is enrolled in the Program, the services provided under this section are not provided under Part 5 of Article 3 of Chapter 135 of the General Statutes, and the child meets the definition of a special needs child under this section.

(e) Case Management Services. -- The Department shall develop procedures for the provision of case management services by the Department to eligible special needs children. Case management services shall be developed to ensure to the maximum extent possible that services are provided in the most efficient and effective manner considering the special needs of the child. The cost of providing case management services for children with special needs shall be paid from funds available for services under this section.

(f) Recommendations by Commission on Children With Special Health Care Needs. -- In implementing this section the Department shall consider the recommendations of the Commission on Children With Special Health Care Needs established under Article 71 of Chapter 143 of the General Statutes. The Department, in consultation with the Commission on Children With Special Health Care Needs shall develop procedures for providing respite care services under emergency circumstances.

(g) No Entitlement. -- Nothing in this section shall be construed as entitling any person to services under this section.

"§ 108A-70.24. Claims processing; payments.

(a) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan shall be responsible for the administration and processing of claims for benefits under the Program, as provided under Part 5 of Article 3 of Chapter 135 of the General Statutes.

(b) The Department shall, from State and federal appropriations, and from any other funds made available for this purpose, make premium payments to the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan as determined by the Plan for its administration, claims processing, and other services authorized to provide coverage for acute medical care to children eligible for benefits under this Part.

(c) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan shall also be responsible for the administration and processing of claims for benefits provided under G.S. 108A-70.23 and not covered by Part 5 of Article 3 of Chapter 135 of the General Statutes. Such claims payments shall be made against accounts maintained by the Department.

"§ 108A-70.25. State Plan for Health Insurance Program for Children.

The Department shall develop and submit a State Plan to implement 'The Health Insurance Program for Children' authorized under this Part to

the federal government as application for federal funds under Title XXI. The State Plan submitted under this Part shall be developed by the Department only as authorized by and in accordance with this Part. No provision in the State Plan submitted under this Part may expand or otherwise alter the scope or purpose of the Program from that authorized under this Part. The Department shall include in the State Plan submitted only those items required by this Part and required by the federal government to qualify for federal funds under Title XXI and necessary to secure the State's federal fund allotment for the applicable fiscal period. Except as otherwise provided in this section, the Department shall not amend the State Plan nor submit any amendments thereto to the federal government for review or approval without the specific approval of the General Assembly. In the event federal law requires that an amendment be made to the State Plan and further requires that the amendment be submitted or implemented within a time period when the General Assembly is not and will not be in session to approve the amendment, then the Department may submit the amendment to the federal government for review and approval without the approval of the General Assembly. Prior to submitting an amendment to the federal government without General Assembly approval as authorized in this section, the Department shall report the proposed amendment to the Joint Legislative Health Care Oversight Committee and to members of the Joint Appropriations Subcommittee on Health and Human Services. The report shall include an explanation of the amendment, the necessity therefor, and the federal time limits required for implementation of the amendment.

"§ 108A-70.26. Application process; outreach efforts; appeals.

Application. -- The Department shall use an application form for the Program that is concise, relatively easy for the applicant to comprehend and complete, and only as lengthy as necessary for identifying applicants, determining eligibility for the Program or Medicaid, and providing information to applicants on requirements for application submission and proof of eligibility. Application forms shall be obtainable from public health departments and county departments of social services. Applications shall be processed by the county department of social services and may be submitted by mail. The Department may adopt rules for the submission and processing of applications and for securing the proof of eligibility for benefits under this Part.

The application form for the Program shall have printed on it or attached to it a notice stating substantially: 'The Health Insurance Program for Children' is a federally and State funded program that may be discontinued if federal funds are not provided for its continuation.

(b) Outreach Efforts. -- The Department shall adopt procedures to ensure that the Program is adequately publicized statewide and to comply

with federal outreach requirements. The Department shall make information about the Program available through the Internet and shall explore the feasibility of securing a 24-hour toll-free telephone number to facilitate access to Program information. In order to avoid duplication of efforts, in developing outreach procedures the Department shall establish system linkages to ensure the collaboration and coordination of information between and among the Program and such ongoing programs and efforts as:

WIC Program.
Maternal and Child Health Block Grant.
Children's Special Health Services.
Smart Start.
Head Start.

The Department shall seek private and federal grant funds for outreach activities. The Department shall also seek the participation of the private sector in providing no-cost or low-cost avenues for publicizing the Program in local communities and statewide. The Department may work with the State Health Plan Purchasing Alliance Board to develop programs that utilize the expertise and resources of the Alliances in outreach activities to employees of small businesses.

(c) Appeals. -- A person who is dissatisfied with the action of a county department of social services with respect to the determination of eligibility for benefits under the Program may appeal the action in accordance with G.S. 108A-79.

"**§ 108A-70.27. Data collection; reporting.**

(a) The Department shall ensure that the following data are collected, analyzed, and reported in a manner that will most effectively and expeditiously enable the State to evaluate Program goals, objectives, operations, and health outcomes for children:

(1) Number of applicants for coverage under the Program;
(2) Number of Program applicants deemed eligible for Medicaid;
(3) Number of applicants deemed eligible for the Program, by income level, age, and family size;
(4) Number of applicants deemed ineligible for the Program and the basis for ineligibility;
(5) Number of applications made at county departments of social services, public health departments, and by mail;
(6) Total number of children enrolled in the Program to date and for the immediately preceding fiscal year;
(7) Total number of children enrolled in Medicaid through the Program application process;
(8) Trends showing the Program's impact on hospital utilization, immunization rates, and other indicators of quality of care, and cost-effectiveness and efficiency;

(9) Trends relating to the health status of children;

(10) Other data that would be useful in carrying out the purposes of this Part.

(b) The Department shall report annually to the Joint Legislative Health Care Oversight Committee and shall provide a copy of the report to the Joint Appropriations Subcommittees on Health and Human Services. The report shall include:

(1) Data collected as required under subsection (a) of this section and an analysis thereof giving trends and projections for continued Program funding;

(2) Program areas working most effectively and least effectively;

(3) Performance measures used to ensure Program quality, fiscal integrity, ease of access, and appropriate utilization of preventive and medical care;

(4) Effectiveness of system linkages in addressing access, quality of care, and Program efficiency;

(5) Recommended changes in the Program necessary to improve Program efficiency and effectiveness;

(6) Any other information requested by the Committee pertinent to the provision of health insurance for children and the implementation of the Program.

(c) The Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Major Medical Plan ('Plan') shall provide to the Department data required under this section that are collected by the Plan. Data shall be reported by the Plan in sufficient detail to meet federal reporting requirements under Title XXI. The Plan shall report periodically to the Joint Legislative Health Care Oversight Committee claims processing data for the Program and any other information the Plan or the Committee deems appropriate and relevant to assist the Committee in its review of the Program.

"§ 108A-70.28. Fraudulent misrepresentation.

(a) It shall be unlawful for any person to knowingly and willfully, and with intent to defraud, make or cause to be made a false statement or representation of a material fact in an application for coverage under this Part or intended for use in determining eligibility for coverage.

(b) It shall be unlawful for any applicant, recipient, or person acting on behalf of the applicant or recipient to knowingly and willfully, and with intent to defraud, conceal, or fail to disclose any condition, fact, or event affecting the applicant's or recipient's initial or continued eligibility to receive coverage or benefits under this Part.

(c) It is unlawful for any person knowingly, willingly, and with intent to defraud, to obtain or attempt to obtain, or to assist, aid, or abet another person, either directly or indirectly, to obtain money, services, or any other

thing of value to which the person is not entitled as a recipient under this Part, or otherwise to deliberately misuse a Program identification card. This misuse includes the sale, alteration, or lending of the Program identification card to others for services and the use of the card by someone other than the recipient to receive or attempt to receive Program coverage for services rendered to that individual.

Proof of intent to defraud does not require proof of intent to defraud any particular person.

(d) A person who violates a provision of this section shall be guilty of a Class I felony.

(e) For purposes of this section the word 'person' includes any natural person, association, consortium, corporation, body politic, partnership, or other group, entity, or organization."

Section 2. (a) G.S. 120-70.110 reads as rewritten:

"**§ 120-70.110. Creation and membership of Joint Legislative Health Care Oversight Committee.**

There is established the Joint Legislative Health Care Oversight Committee. The Committee consists of ~~14~~ 16 members as follows:

(1) ~~Seven~~ Eight members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and

(2) ~~Seven~~ Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until the member's successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

(b) Initial terms of the additional members appointed under subsection (a) of this section shall begin upon appointment and shall expire on the convening of the 2001 General Assembly, except if those members are not reelected to serve in the 1999 General Assembly then their terms shall expire upon the convening of the 1999 General Assembly.

(c) G.S. 120-70.111 reads as rewritten:

"**§ 120-70.111. Purpose and powers of Committee.**

(a) The Joint Legislative Health Care Oversight Committee shall review, on a continuing basis, the provision of health care and health care

coverage to the citizens of this State, in order to make ongoing recommendations to the General Assembly on ways to improve health care for North ~~Carolinas~~ Carolinians. To this end, the Committee shall study the delivery, availability, and cost of health care in North Carolina. The Committee shall also review, on a continuing basis, the implementation of the State Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes. As part of its review, the Committee shall advise and consult with the Department of Health and Human Services as provided under G.S. 108A-70.21. The Committee may also study other matters related to health care and health care coverage in this State.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

(c) The Committee may use employees of the Legislative Services Office and may employ contractual services as approved by the Legislative Services Commission to review and monitor, on a continuing basis, the implementation of the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes. The Committee shall have access to all records of the Department of Health and Human Services pertaining to the Health Insurance Program for Children and shall be kept apprised by the Department of communications between the Department and the Health Care Financing Administration with respect to development, submission, and approval of and amendments to the State Plan for the Health Insurance Program for Children. The Committee and its employees shall also be entitled to attend all meetings and have access to all records of the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan pertaining to the Health Insurance Program for Children that are not confidential in accordance with G.S. 135-37. G.S 135-37 shall be applicable to the Health Insurance Program for Children to the same extent that is applicable to teachers and State employees."

Section 3. (a) Chapter 143 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 71.

"Commission on Children With Special Health Care Needs.

"§ 143-682. Commission established.

(a) There is established the Commission on Children With Special Health Care Needs. The Department of Health and Human Services shall provide staff services and space for Commission meetings. The purpose of the Commission is to monitor and evaluate the availability and provision of health services to special needs children in this State, and to monitor and

evaluate services provided to special needs children under the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes.

(b) The Commission shall consist of seven members appointed by the Governor, as follows:

(1) A parent of a special needs child;

(2) A licensed psychiatrist recommended by the North Carolina Psychiatric Association;

(3) A licensed psychologist recommended by the North Carolina Psychological Association;

(4) A licensed pediatrician whose practice includes services for special needs children, recommended by the Pediatric Society of North Carolina;

(5) A representative of one of the children's hospitals in the State, recommended by the Pediatric Society of North Carolina;

(6) A local public health director recommended by the Association of Local Health Directors; and

(7) An educator providing education services to special needs children, recommended by the North Carolina Council of Administrators of Special Education.

(c) The Governor shall appoint from among Commission members the person who shall serve as chair of the Commission. Of the initial appointments, two shall serve one-year terms, two shall serve two-year terms, and three shall serve three-year terms. Thereafter, terms shall be for two years. Vacancies occurring before expiration of a term shall be filled from the same appointment category in accordance with subsection (b) of this section.

"**§ 143-683. Powers and duties of the Commission.**

The Commission shall have the following powers and duties:

(1) Study the needs of children with special health care needs in this State for health care services not presently provided or regularly available through State or federal programs or through private or employer-sponsored health insurance plans;

(2) Develop guidelines for case management services, quality assurance measures, and periodic evaluations to determine efficacy of health services provided to special needs children;

(3) Develop and coordinate an outreach program of case managers to assist children with special health care needs and their families in accessing available State and federal resources for all health care services;

(4) Review rules adopted by the Commission for Health Services pertaining to the provision of services for special needs children and make recommendations for modifications or additions to the rules necessary to improve services to these children or to make service delivery more efficient and effective;

(5) Review policies and practices of the Department of Health and Human Services and recommend to the Secretary of Health and Human Services changes that would improve implementation of health programs for children with special health care needs;

(6) Report to each session of the General Assembly not later than the first day of its convening. The report shall include a summary of the Commission's work and any recommendations the Commission may have on ways to improve the efficiency and effectiveness of health services delivery to children with special health care needs in this State, The Commission shall provide a copy of its report to the General Assembly's Commission on Children With Special Needs;

(7) Study the feasibility of establishing a privately funded risk pool to provide insurance coverage and services for children with special health care needs;

(8) Make recommendations to the Department and to the Commission for Health Services regarding quality assurance measures and mechanisms to enhance the health outcomes of children with special health care needs;

(9) Establish subcommittees as necessary to provide assistance and advice to the Commission in conducting its studies and other activities. The Commission may appoint non-Commission members to the subcommittees;

(10) Seek grants and other funds from private and federal sources to carry out the purposes of this Article; and

(11) Conduct other activities the Commission deems appropriate and necessary to carry out the purposes of this Article.

"§ 143-684. Compensation and expenses of Commission members; travel reimbursements.

Members of the Commission shall serve without compensation but may receive travel and subsistence as follows:

(1) Commission members who are officials or employees of a State agency or unit of local government, in accordance with G.S. 138-6.

(2) All other Commission members at the rate established in G.S. 138-5."

(b) The governor shall appoint members of the Commission on Children With Special Health Care Needs within 45 days of the date this act becomes law.

Section 4. (a) Article 3 of Chapter 135 of the General Statutes is amended by adding the following new Part to read:

"Part 5. Health Insurance Program for Children.

"**§ 135-42. Undertaking.**

(a) The State of North Carolina undertakes to make available a health insurance program for children (hereinafter called the 'Program') to provide comprehensive acute medical care to low-income, uninsured children who are residents of this State and who meet the eligibility requirements established for the Program under Part 8 of Article 2 of Chapter 108A of the General Statutes. The Executive Administrator and Board of Trustees of the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan (hereinafter called the 'Plan') shall administer the Program under this Part and shall carry out their duties and responsibilities in accordance with Parts 2 and 3 of this Article and with applicable provisions of Part 8 of Article 2 of Chapter 108A. The Plan's self-insured indemnity program shall not incur any financial obligations for the Program in excess of the amount of funds that the Plan's self-insured indemnity program receives for the Program.

(b) The benefits provided under the Program shall be equivalent to and made available through the Plan pursuant to Articles 2 and 3 of this Chapter and as provided under G.S. 108A-70.21(b) and administered by the Plan's Executive Administrator and Board of Trustees. To the extent there is a conflict between the provisions of Part 8 of Article 2 of Chapter 108A and Part 3 of this Article pertaining to eligibility, fees, deductibles, copayments, and other cost-sharing charges, the provisions of Part 8 of Article 2 of Chapter 108A shall control. In administering the benefits provided by this Part, the Executive Administrator and Board of Trustees shall have the same type of powers and duties that are provided under Part 3 of this Article for hospital and medical benefits.

(c) The benefits authorized by this Part are available only to children who are residents of this State and who meet the eligibility requirements established for the Program under Part 8 of Article 2 of Chapter 108A of the General Statutes.

"**§ 135-42.1. Right to alter, amend, or repeal.**

The General Assembly reserves the right to alter, amend, or repeal this Part."

(b) G.S. 135-38(c) reads as rewritten:

"(c) The Committee shall review programs of hospital, medical and related care provided by Part 3 and Part 5 of this Article and programs of long-term care benefits provided by Part 4 of this Article as recommended by the Executive Administrator and Board of Trustees of the Plan. The Executive Administrator and the Board of Trustees shall provide the Committee with any information or assistance requested by the Committee in performing its duties under this Article. The Committee shall meet not less than once each quarter to review the actions of the Executive Administrator and Board of Trustees. At each meeting, the Executive Administrator shall report to the Committee on any administrative and medical policies which have been issued as rules and regulations in accordance with G.S. 135-39.8, and on any benefit denials, resulting from the policies, which have been appealed to the Board of Trustees."

(c) G.S. 135-39.5 is amended by adding a new subdivision to read:

"(23) Implementing and administering a program of child health insurance benefits pursuant to Part 5 of this Article."

(d) G.S. 135-39.6 is amended by adding the following subsection to read:

"(d) Separate and apart from the special funds authorized by subsections (a), (b), and (c) of this section, there shall be a Child Health Insurance Fund. All premium receipts or any other receipts, including earnings on investments, occurring or arising in connection with acute medical care benefits provided under the Health Insurance Program for Children shall be deposited into the Child Health Insurance Fund. Disbursements from the Child Health Insurance Fund shall include any and all amounts required to pay the benefits and administrative costs of the Health Insurance Program for Children as may be determined by the Executive Administrator and Board of Trustees."

(e) G.S. 135-39.6A is amended by adding the following subsection to read:

"(c) The Executive Administrator and Board of Trustees shall establish premium rates for benefits provided under Part 5 of this Article. The Department of Health and Human Services shall, from State and federal appropriations and from any other funds made available for the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes, make payments to the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan as determined by the Plan for its administration, claims processing, and other services authorized to provide coverage for acute medical care for children eligible for benefits provided under Part 5 of this Article."

(f) G.S. 135-39.8 reads as rewritten:

"**§ 135-39.8. Rules and regulations.**

The Executive Administrator and Board of Trustees may issue rules and regulations to implement Parts ~~2, 3, and 4~~ 2, 3, 4, and 5 of this Article. Rules and regulations of the Board of Trustees shall remain in effect until amended or repealed by the Executive Administrator and Board of Trustees. The Executive Administrator and Board of Trustees shall provide a written description of the rules and regulations issued under this section to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a rule or regulation, and to any other parties requesting a written description and approved by the Executive Administrator and Board of Trustees to receive a description on a timely basis."

(g) The title of Chapter 135 of the General Statutes reads as rewritten:

"Retirement System for Teachers and State Employees; Social ~~Security.~~ Security; Health Insurance Program for Children ."

(h) The title of Article 3 of Chapter 135 of the General Statutes reads as rewritten:

"Other Teacher, Employee ~~Benefits.~~ Benefits; Child Health Benefits."

Section 5. (a) Division II of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-151.27. Credit for child health insurance.**

(a) Credit. -- Subject to the limitations provided in this section, a taxpayer is allowed a credit against the tax imposed by this Division if the taxpayer paid a health insurance premium during the taxable year that provided insurance coverage for the taxpayer's dependent children. The amount of the credit is the amount provided in the table below that corresponds to the taxpayer's adjusted gross income, as a percentage of the applicable federal poverty level (FPL), as defined in G.S. 108A-70.18, based on the taxpayer's family size.

AGI as % of FPL	**Credit Amount**
0 - 225	$300
Over 225	$100

(b) Income Limitation. -- To be eligible for the credit allowed under this section, the taxpayer's adjusted gross income (AGI), as calculated under the Code, must be less than the amount listed in the table below:

Filing Status	**AGI**
Married, filing jointly	$100,000
Head of Household	80,000
Single	60,000
Married, filing separately	50,000

(c) Credit Limitations. -- The credit allowed by this section may not exceed the amount of health insurance premium the taxpayer paid during

the taxable year that provided insurance coverage for the taxpayer's dependent children. A nonresident or part-year resident who claims the credit allowed by this section shall reduce the amount of the credit by multiplying it by the fraction calculated under G.S. 105-134.5(b) or (c), as appropriate. In order to claim a credit under this section, a taxpayer must provide any information required by the Secretary to establish the taxpayer's eligibility for the credit and the amount of the credit.

(d) No Double Benefit. -- If the taxpayer claimed a deduction for health insurance costs of self-employed individuals under section 162(l) of the Code for the taxable year, the amount of credit otherwise allowed the taxpayer under this section is reduced by the applicable percentage provided in section 162(l) of the Code. If the taxpayer claimed a deduction for medical care expenses under section 213 of the Code for the taxable year, the taxpayer is not allowed a credit under this section. A taxpayer who claims the credit allowed by this section must provide any information required by the Secretary to demonstrate that the amount paid for premiums for which the credit is claimed was not excluded from the taxpayer's gross income for the taxable year.

(e) Credit Refundable. -- If the credit allowed by this section exceeds the amount of tax imposed by this Division for the taxable year reduced by the sum of all credits allowable, the Secretary shall refund the excess to the taxpayer. The refundable excess is governed by the provisions governing a refund of an overpayment by the taxpayer of the tax imposed in this Division. In computing the amount of tax against which multiple credits are allowed, nonrefundable credits are subtracted before refundable credits.

(f) Definitions. -- The following definitions apply in this section:

(1) Comprehensive health insurance plan. -- Any of the following plans, policies, or contracts that provide health benefits coverage for dependent children for inpatient and outpatient hospital services, physicians' surgical and medical services, and laboratory and X-ray services: accident and health insurance policy or certificate; hospital or medical service corporation contract; HMO subscriber contract; plan provided by a MEWA or plan provided by another benefit arrangement, to the extent permitted by ERISA, and the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan established under Part 3 of Article 3 of Chapter 135 of the General Statutes. 'Comprehensive health insurance plan' does not mean any plan implemented or administered through the Department of Health and Human Services.

(2) Dependent child. -- A child under the age of 19 for whom the taxpayer is allowed to deduct a personal exemption under section 151(c)(1)(B) of the Code for the taxable year.

(3) Family size. -- The number of individuals for whom the taxpayer is entitled to deduct a personal exemption under the Code for the taxable year.

(4) Health insurance premium. -- An amount paid by the taxpayer for insurance coverage of the taxpayer's dependent children under a private or employer-sponsored comprehensive health insurance plan and an amount paid to purchase extended coverage under the Health Insurance Program for Children pursuant to G.S. 108A-70.21. The term does not include, however, amounts deducted from or not included in the taxpayer's gross income for the taxable year, as calculated in subsection (d) of this section."

(b) G.S. 105-160.3(b) is amended by adding a new subdivision to read:

"(4) G.S. 105-151.27. Credit for child health insurance."

(c) The Department of Revenue shall withhold from collections under Division II of Article 4 of Chapter 105 of the General Statutes for the 1999-2000 fiscal year the amount necessary to reimburse it for its additional costs of printing, postage, programming, and administration directly attributable to this act. It is the intent of the General Assembly to appropriate funds to the Department of Revenue for the 1999-2001 fiscal biennium to cover the costs of auditing ten percent (10%) of the tax credits claimed under this section. These costs include salary, benefits, and work space for 10 auditors and two clerical support positions. It is also the intent of the General Assembly to appropriate funds to the Department of Revenue for the 1999-2000 fiscal year for the one-time programming costs required for the credit authorized by this section.

(d) This section is effective for taxable years beginning on or after January 1, 1999, and expires on the effective date of an act repealing the Health Insurance Program for Children established under this act.

(e) This section becomes effective only if the United States Secretary of Health and Human Services approves the State Plan to implement the Health Insurance Program for Children established under this act.

Section 6. G.S. 143-626(2) reads as rewritten:

"(2) Accept applications by carriers to qualify as Accountable Health Carriers, determine the eligibility of carriers to become Accountable Health Carriers according to criteria described in G.S. 143-629, designate carriers as Accountable Health Carriers, ~~and~~ approve one additional

qualified health care plan to be offered to small employers beyond the basic and standard health care ~~plans.~~ plans, and approve programs that provide options for the purchase of private insurance for dependent coverage that meets the requirements of the Health Insurance Program for Children established under Part 8 of Article 2 of Chapter 108A of the General Statutes and Title XXI of the Social Security Act. The Board shall report programs approved to the Joint Legislative Health Care Oversight Committee established under G.S. 120-70.110."

Section 7. In order to ensure that health insurance coverage provided to children from public funds is not duplicative of coverage provided to the same children pursuant to court orders for medical support or health insurance, the Department of Health and Human Services shall develop a plan for collecting and retrieving data to enable the Department to readily identify children covered by support orders and also covered under private health insurance, or eligible for coverage under the State Medicaid Program or the Health Insurance Program for Children established in this act. No later than October 1, 1998, the Department shall report on the development of this plan to the Joint Legislative Health Care Oversight Committee.

Section 8. Except for immunization, no State funds, federal funds, or funds from any other source may be used under the Health Insurance Program for Children established under this act to reimburse medical services performed in school-based health clinic settings. The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall conduct a survey of any claims paid by the Plan's self-insured indemnity program during each of the last three plan years. Any results of the survey shall be used by the Plan in conducting a study of the array of medical services delivered in school-based settings and whether or not such services should be eliminated, curtailed, or expanded. No later than March 31, 1999, the Plan shall make its findings and recommendations pursuant to this study known to the Committee on Employee Hospital and Medical Benefits, the Joint Legislative Health Care Oversight Committee, and the 1999 Session of the General Assembly.

Section 9. Not later than September 1, 1998, the Department of Health and Human Services shall select a name for the Health Insurance Program for Children established under this act. The Department shall establish procedures for public input into the selection of the name of the Program. Prior to final selection of the Program name by the Department, the Department shall report to the Joint Legislative Health Care Oversight

Committee the results of the public input solicited by the Department and the name selected by the Department.

Section 10. (a) There is appropriated from the General Fund to the Department of Health and Human Services the sum of fifteen million six hundred seventeen thousand eight hundred twenty-two dollars ($15,617,822) for the 1998-99 fiscal year to be used for the Health Insurance Program for Children established under this act and under Title XXI of the Social Security Act, as added by Pub. L. 105-33, 111 Stat. 552. The Office of State Budget and Management shall include in the proposed continuation budget the amount of State funds necessary for Program implementation for the budgeted fiscal year but not more than the amount necessary to draw down the maximum amount of federal funds available to the State for the budgeted fiscal year for the Health Insurance Program for Children under Title XXI of the Social Security Act, as added by Pub. L. 105-33, 111 Stat. 552.

(b) Of the funds appropriated under subsection (a) of this section, the Department of Health and Human Services may use up to two million dollars ($2,000,000) for the 1998-99 fiscal year to cover unmatched start-up costs for the Health Insurance Program for Children established under this act.

(c) No State funds appropriated under this act may be expended for any purpose other than as provided under this act for the implementation of the Health Insurance Program for Children established under this act and approved by the United States Secretary of Health and Human Services under Title XXI of the Social Security Act, as added by Pub. L. 105-33, 111 Stat. 552.

(d) Funds appropriated under this section and not expended or obligated in the 1998-99 fiscal year shall revert to the General Fund on June 30, 1999.

Section 11. Section 10 of this act becomes effective July 1, 1998. Health insurance coverage provided to children under the Health Insurance Program for Children established under this act shall become effective no earlier than October 1, 1998. The remainder of this act is effective when it becomes law. Since the Health Insurance Program for Children established in this act is dependent upon federal funds, it is the intent of the General Assembly that the Health Insurance Program for Children will continue and benefits will be paid for so long as federal funds are available and State funds are specifically appropriated for this purpose.

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(Date Enrolling Clerk Delivered Bills to the Office of the Governor)

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All bills dealing with funds are indexed under Appropriations, Local or Appropriations, Public. Local legislation is placed under the county it affects.

A list of bills and resolutions introduced by each Representative is found under the Member's name with an asterisk (*) noting that person as the primary sponsor.

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SECOND SESSION 1998

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Stephen W. Wood, *Speaker Pro Tempore* ..... High Point, Guilford County
Denise G. Weeks, *Principal Clerk* ..... Willow Springs, Wake County
Clyde Cook, Jr., *Sergeant-at-Arms* ..... Garner, Wake County

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Edwin M. Hardy (R) ..... Beaufort ..... Washington

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John M. Nichols (R) ..... Craven ..... New Bern

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Ronald L. Smith (D) ..... Carteret ..... Atlantic Beach

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8th District: (1) Edgecombe (Part), Greene (Part), Martin (Part), Pitt (Part).
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9th District: (1) Greene (Part), Pitt (Part).
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Mary E. McAllister (D) ..... Cumberland ..... Fayetteville

18th District: (2) Cumberland (Part).
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Mia Morris (R) ..... Cumberland ..... Fayetteville

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Bobby Ray Hall (R) ..... Lee ..... Sanford

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James W. Crawford, Jr. (D) ..... Granville ..... Oxford

23rd District: (3) Durham (Part).
Paul Luebke (D) ..... Durham ..... Durham
Henry M. Michaux, Jr. (D) ..... Durham ..... Durham
George W. Miller, Jr. (D) ..... Durham ..... Durham

24th District: (2) Chatham (Part), Orange (Part).
Joe Hackney (D) ..... Orange ..... Chapel Hill
Verla C. Insko (D) ..... Orange ..... Chapel Hill

25th District: (3) Alamance, Caswell, Orange (Part), Rockingham (Part).
Cary D. Allred (R) ..... Alamance ..... Burlington
E. Nelson Cole (D) ..... Rockingham ..... Reidsville
Dennis A. Reynolds (R) ..... Alamance ..... Graham

26th District: (1) Guilford (Part).
Alma S. Adams (D) ..... Guilford ..... Greensboro

27th District: (1) Davidson (Part), Guilford (Part).
Stephen W. Wood (R) ..... Guilford ..... High Point

28th District: (1) Guilford (Part).
Flossie Boyd-McIntyre (D) ..... Guilford ..... Jamestown

29th District: (1) Guilford (Part).
Joanne W. Bowie (R) ..... Guilford ..... Greensboro

30th District: (1) Chatham (Part), Guilford (Part), Randolph (Part).
Arlie F. Culp (R) ..... Randolph ..... Ramseur

31st District: (1) Moore (Part).
Richard T. Morgan (R) ..... Moore ..... Pinehurst

32nd District: (1) Montgomery (Part), Richmond, Scotland (Part).
G. Wayne Goodwin (D) ..... Richmond ..... Rockingham

33rd District: (1) Anson, Montgomery (Part), Stanly (Part).
Foyle R. Hightower, Jr. (D) ..... Anson ..... Wadesboro

34th District: (1) Union (Part).
Fern H. Shubert (R) ..... Union ..... Marshville

35th District: (1) Rowan (Part).
Charlotte A. Gardner (R) ..... Rowan ..... Salisbury

36th District: (1) Mecklenburg (Part).
James B. Black (D) ..... Mecklenburg ..... Matthews

37th District: (1) Davidson (Part).
Paul R. McCrary (D) .....Davidson ..... Lexington

38th District: (1) Guilford (Part), Randolph (Part).
Harold J. Brubaker (R) .....Randolph ..... Asheboro

39th District: (1) Forsyth (Part).
Lyons Gray (R).....Forsyth ..... Winston-Salem

40th District: (3) Alleghany, Ashe, Stokes, Surry, Watauga.
Rex L. Baker (R) .....Stokes .....King
William S. Hiatt (R).....Surry.....Mt. Airy
W. Eugene Wilson (R) .....Watauga ..... Boone

41st District: (2) Alexander (Part), Wilkes, Yadkin.
John W. Brown (R).....Wilkes .....Elkin
George M. Holmes (R) .....Yadkin.....Hamptonville

42nd District: (1) Iredell (Part).
W. Franklin Mitchell (R).....Iredell ..... Olin

43rd District: (1) Catawba (Part), Iredell (Part).
C. Robert Brawley (R).....Iredell ..... Mooresville

44th District: (1) Gaston (Part), Lincoln (Part).
John R. Gamble, Jr. (D).....Lincoln ..... Lincolnton

45th District: (2) Catawba (Part), Gaston (Part), Lincoln (Part).
Cherie K. Berry (R) .....Catawba.....Newton
Joe L. Kiser (R) .....Lincoln ..... Vale

46th District: (2) Avery, Burke (Part), Caldwell (Part), Catawba (Part), Mitchell.
Charles F. Buchanan (R) .....Mitchell ..... Green Mountain
Gregory J. Thompson (R).....Mitchell ..... Spruce Pine

47th District: (1) Burke (Part).
Walter G. Church, Sr. (D).....Burke.....Valdese

48th District: (3) Cleveland, Gaston (Part), Polk (Part), Rutherford.
Debbie A. Clary (R).....Cleveland ..... Cherryville
Andrew T. Dedmon (D).....Cleveland .....Earl
John H. Weatherly (R).....Cleveland .....Kings Mountain

49th District: (1) Burke (Part), McDowell, Yancey.
Robert C. Hunter (D).....McDowell.....Marion

50th District: (1) Henderson (Part), Polk (Part).
Larry T. Justus (R).....Henderson ..... Hendersonville

51st District: (3) Buncombe (Part).
Lanier M. Cansler (R).....Buncombe ..... Asheville
Martin L. Nesbitt, Jr. (D).....Buncombe ..... Asheville
Wilma M. Sherrill (R) .....Buncombe ..... Asheville

52nd District: (2) Graham, Haywood, Jackson (Part), Madison, Swain.
Charles M. Beall (D) .....Haywood ..... Clyde
Liston B. Ramsey (D).....Madison..... Marshall

53rd District: (1) Cherokee, Clay, Jackson (Part), Macon.
James C. Carpenter (R).....Macon..... Otto

54th District: (1) Mecklenburg (Part).
Drew P. Saunders (D).....Mecklenburg .....Huntersville

55th District: (1) Mecklenburg (Part).
W. Edwin McMahan (R) .....Mecklenburg .....Charlotte

56th District: (1) Mecklenburg (Part).
Martha B. Alexander (D).....Mecklenburg .....Charlotte

57th District: (1) Mecklenburg (Part).
Constance K. Wilson (R).....Mecklenburg .....Charlotte

58th District: (1) Mecklenburg (Part).
Ruth M. Easterling (D) .....Mecklenburg .....Charlotte

59th District: (1) Mecklenburg (Part).
W. Pete Cunningham (D) .....Mecklenburg .....Charlotte

60th District: (1) Mecklenburg (Part).
Beverly Earle (D).....Mecklenburg .....Charlotte

61st District: (1) Wake (Part).
Charles B. Neely, Jr. (R).....Wake ..... Raleigh

62nd District: (1) Wake (Part).
David M. Miner (R).....Wake.....Cary

63rd District: (1) Durham (Part), Wake (Part).
Jane H. Mosley (D).....Wake .....Cary

64th District: (1) Wake (Part).
Robert J. Hensley Jr. (D) .....Wake .....Raleigh

65th District: (1) Wake (Part).
Rick Eddins (R) .....Wake .....Raleigh

66th District: (1) Forsyth (Part).
Larry W. Womble (D) .....Forsyth .....Winston-Salem

67th District: (1) Forsyth (Part).
Warren C. Oldham (D) .....Forsyth .....Winston-Salem

68th District: (1) Buncombe (Part), Henderson (Part), Transylvania.
William M. Ives (R).....Transylvania.....Brevard

69th District: (1) Mecklenburg (Part).
Jim Gulley (R) .....Mecklenburg .....Matthews

70th District: (1) Edgecombe (Part), Nash (Part), Wilson (Part).
Milton F. Fitch, Jr. (D) .....Wilson .....Wilson

71st District: (1) Edgecombe (Part), Nash (Part), Pitt (Part), Wilson (Part).
Joe P. Tolson (D).....Edgecombe.....Pinetops

72nd District: (1) Nash (Part), Wilson (Part).
Gene G. Arnold (R) .....Nash .....Rocky Mount

73rd District: (1) Forsyth (Part), Rockingham (Part).
P. Wayne Sexton, Sr. (R).....Rockingham ..... Stoneville

74th District: (1) Davidson (Part), Davie.
Julia Craven Howard (R).....Davie .....Mocksville

75th District: (1) Cumberland (Part).
Alex Warner (D).....Cumberland.....Hope Mills

76th District: (1) Gaston (Part), Mecklenburg (Part).
Walter W. Dickson (R).....Gaston ..... Gastonia

77th District: (1) Greene (Part), Lenoir (Part), Wayne (Part).
Carolyn B. Russell (R).....Wayne .....Goldsboro

78th District: (1) Granville (Part), Vance (Part), Warren (Part).
Stanley H. Fox (D) .....Granville..... Oxford

79th District: (1) Craven (Part), Jones (Part), Lenoir (Part), Pamlico (Part).
William L. Wainwright (D).....Craven ..... Havelock

80th District: (1) Onslow (Part).
W. Robert Grady (R).....Onslow ..... Jacksonville

81st District: (1) Cabarrus (Part), Union (Part).
Timothy N. Tallent (R).....Cabarrus ..... Kannapolis

82nd District: (1) Cabarrus (Part), Stanly (Part), Union (Part).
Bobby H. Barbee, Sr. (R).....Stanly ..... Locust

83rd District: (1) Rowan (Part).
W. Eugene McCombs (R).....Rowan ..... Faith

84th District: (1) Forsyth (Part), Guilford (Part).
Michael P. Decker (R).....Forsyth ..... Walkertown

85th District: (1) Hoke (Part), Robeson (Part).
Ronnie N. Sutton (D).....Robeson..... Pembroke

86th District: (1) Chowan, Dare, Perquimans (Part), Tyrrell, Washington (Part).
William T. Culpepper, III (D).....Chowan ..... Edenton

87th District: (1) Hoke (Part), Robeson (Part), Scotland (Part).
Donald A. Bonner (D).....Robeson..... Rowland

88th District: (1) Forsyth (Part).
Theresa H. Esposito (R).....Forsyth ..... Winston-Salem

89th District: (2) Guilford (Part).
Mary L. Jarrell (D).....Guilford..... High Point
Margaret M. Jeffus (D).....Guilford..... Greensboro

90th District: (1) Cabarrus (Part).
Richard L. Moore (D).....Cabarrus ..... Kannapolis

91st District: (1) Alexander (Part), Caldwell (Part), Catawba (Part).
Edgar V. Starnes (R).....Caldwell ..... Granite Falls

92nd District: (1) Durham (Part), Wake (Part).
J. Russell Capps (R).....Wake ..... Raleigh

93rd District: (1) Gaston (Part), Mecklenburg (Part).
John M. Rayfield (R).....Gaston ..... Belmont

94th District: (1) Davidson (Part), Randolph (Part).
Jerry C. Dockham (R).....Davidson .....Denton

95th District: (1) Johnston (Part).
N. Leo Daughtry (R).....Johnston .....Smithfield

96th District: (1) Bladen, Cumberland (Part), New Hanover (Part), Pender (Part), Sampson (Part).
Edd Nye (D) .....Bladen .....Elizabethtown

97th District: (1) Duplin (Part), Sampson (Part), Wayne (Part).
Jerry Braswell (D) .....Wayne .....Goldsboro

98th District: (1) Brunswick (Part), Columbus (Part), New Hanover (Part), Pender (Part).
Thomas E. Wright (D).....New Hanover ..... Wilmington

HOUSE JOURNAL

SECOND SESSION 1997

ONE HUNDRED TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 11, 1998

House Chamber
State Capitol

The House convenes in the House Chamber of the State Capitol at 12:00 Noon pursuant to adjournment and is called to order by the Speaker.

The following remarks and prayer are offered by the Reverend Jim Harry, House Chaplain.

"Members of the House, my Sisters and Brothers,

"Today, as we gather in this grand chamber, a place which provides a rich history for our State, we stand in the shadows of those who have gone before us paving the way for North Carolina's progress.

"Today, as legislators and leaders of North Carolina, you stand in the shadows of people, who like yourselves, were sent here on behalf of others to represent the best interests and needs of the people of this great State.

"In the few weeks that have led up to the beginning of this Short Session, there has already been much ink spilled about how it will play out this summer. There has already been much political posturing. And, already battle lines have been drawn.

"But, today represents a new opportunity for you. It is an opportunity for you to step out of the shadows of the past and into the light of tomorrow. My hope and prayer for you, my friends, is that as we begin, we will all be reminded of what it means to serve rather than to be served...of

what it means to be humble, not proud...of what it means to lead with the God-given gifts of personal and communal integrity, of strong courage of conviction, and of high standards of morality.

"As we experience the fullness of history in this historic Chamber, may we remember that although we have the opportunity today to step out of the shadows of the past and into the future of tomorrow, we remain, always, in the shadow of somebody bigger who governs us and watches the efforts of our lives. Let us pray.

"Almighty God, here we are. We are Your broken vessels put together by Your grace and mercy and love. Inspire us to lead with courage and conviction. Challenge us to honor one another. Teach us to be humble in victory and gracious in defeat. Remind us that partisanship only serves to drive wedges between us and destroy the foundations of the responsibilities of leadership that we have sworn to uphold.

"Gracious God, we now ask that You would send Your divine blessing to us as we begin this Short Session of the 1998 North Carolina General Assembly. May Your grace permeate throughout our hearts so that at the end of our days, we can rest in the knowledge that we have been as faithful as we could in the moments that You have given us to live and work. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 28, 1997, has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Hiatt and McCombs for today.

APPOINTMENT OF OFFICER

Pursuant to Rule 45(c), the Speaker appoints John R. Dossenbach, Jr., as Reading Clerk of the 1997 House of Representatives, Second Session.

Mr. Dossenbach takes and subscribes to the following oath of office as administered by the Speaker, pursuant to G.S. 120-5.

OATH FOR READING CLERK OF THE 1997 HOUSE OF REPRESENTATIVES SECOND SESSION

"I, JOHN R. DOSSENBACH, JR., do solemnly swear that I will support and maintain the Constitution and laws of the United States; so help me God; and

"I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and

"I do swear that I will faithfully discharge the duties of the office of Reading Clerk of the 1997 House of Representatives, Second Session, according to the best of my skill and ability, according to law; so help me God."

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative Howard:

H.B. 1246, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

SPEAKER'S REMARKS

The Speaker states that Representative Liston Ramsey is the only sitting member to have served in this Chamber in 1961. He also notes that Representative Robert Hunter's father served in this Chamber in 1959 and occupied Seat 118 where Representative Hunter is seated today. The grandfather of Representative William T. Culpepper, III, served in this Chamber in 1933 and in the Senate in 1945.

The gavel used to call today's session to order belonged to Representative R. G. Johnson of Pender County. He served as Speaker of the House in 1935.

INTRODUCTION OF PAGES

Pages for the week of May 11 are introduced to the membership. They are: James David Arnold of Wake; Chadwick Jonathan Barnhill of Wake; Laurel Corrine Cobb of Mecklenburg; Lindsay Bitler Coughlin of Guilford; Ashley G. Craig of Iredell; Paul Joseph Curry of Harnett; Elizabeth Kearny Davis of Wake; Lauren Gandy of Iredell; Jerrod David Gatewood of Catawba; Edward Lewis Gregory, Jr., of Halifax; Matthew A. Guffey of Wake; Laura Hawkins of Durham; Samuel Lee Head of Transylvania; Rosalind Tenea Hester of Catawba; Elizabeth Sara Jorgenson of Wake; Rebecca Ann Jorgenson of Wake; Michael G. Long of Caswell; James C. Mills of Polk; Allison Paksoy of Mecklenburg; Robert Simmerman Skaff of Iredell; Simene Walden of Northampton; and Teresa Marilynn Warr of Wake.

On motion of Representative Morgan, seconded by Representative H. Hunter, the House adjourns at 12:09 p.m. to reconvene, in the House Chamber of the Legislative Building, May 12 at 1:00 p.m.

ONE HUNDRED TWENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 12, 1998

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, we are so very thankful for Your great goodness and mercy in our lives. It is because of who You are that we always begin our prayers with praise and thanksgiving. Lord, if ever a group of people needed Your eternal and clear guidance, we are they. There are a host of issues to come before this Body, and there are a lot of forces vying for the allegiances of these members. Grant unto the members of this House clarity in the alternatives of their decisions so that each decision and vote

can be made with a mind that has been informed by the Spirit of God. Give us grace to discern between that which is right and good and that which is divisive and uncompromising. Have mercy upon this Body of people as they begin their work together. In the name of God we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 11 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (108-0).

Leaves of absence are granted Representatives Hiatt and McAllister for today.

SUBCOMMITTEE REFERRAL

Representative Holmes, Co-Chair and Senior Ranking Member for the Standing Committee on Appropriations, refers Committee Substitute for **H.B. 74,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, to the Permanent Subcommittee on Human Resources.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Baker and G. Wilson:

H.B. 1247, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY, is referred to the Committee on Local and Regional Government II.

By Representatives Baker, Aldridge, Arnold, Buchanan, Capps, Crawford, Culp, Davis, Decker, Esposito, Grady, Gray, Hill, Hurley, Mercer, Mitchell, Nichols, Nye, Oldham, Russell, Smith, Tolson, Warwick, G. Wilson, Wood, and Yongue:

H.B. 1248, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO THE FEDERAL TOBACCO

SETTLEMENT, is referred to the Committee on Agriculture and, if favorable, to the Committee on Finance.

By Representatives Smith, Grady, Preston, and Warwick:

H.B. 1248, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE GREATER JACKSONVILLE-ONSLOW FARMERS MARKET, is referred to the Committee on Appropriations.

By Representatives Smith, Bonner, and Warwick:

H.B. 1250, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE MARINE FISHERIES COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE EXPANDED COMMISSION, is referred to the Committee on Appropriations.

By Representatives Crawford, Allen, and Hardaway:

H.B. 1251, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR, is referred to the Committee on Local and Regional Government I.

By Representatives McCombs, Buchanan, Crawford, Decker, Gardner, Hill, Miller, and Mitchell:

H.B. 1252, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL BE REMITTED TO THE SCHOOL FUND OF THE COUNTY OF THE DEFENDANT'S RESIDENCE, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance.

By Representative Ives:

H.B. 1253, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, is referred to the Committee on State Government.

By Representative Ives:

H.B. 1254, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY OF TRANSYLVANIA MAY USE CERTAIN LANDS FOR LIBRARY PURPOSES, is referred to the Committee on Local and Regional Government II.

By Representatives Daughtry, Bonner, Buchanan, Decker, Esposito, Goodwin, Justus, Miller, Mitchell, Smith, Warwick, and Yongue:

H.J.R. 1255, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

1997 GENERAL ASSEMBLY

Senate Chamber
August 28, 1997

Mr. Speaker:

On **S.B. 424** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, AND WAKE FOREST, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 424** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, RALEIGH, AND WAKE FOREST, TO PROVIDE STAGGERED TERMS FOR THE TOWN OF BROADWAY, TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF SEVEN MEMBERS ELECTED AT LARGE FOR FOUR-YEAR STAGGERED TERMS ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE ANNEXATION LAWS, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees and the title becomes **S.B. 424** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, AND

KNIGHTDALE, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of Representative Morgan, seconded by Representative Mercer, the House adjourns at 1:09 p.m. to reconvene May 13 at 1:00 p.m.

ONE HUNDRED TWENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 13, 1998

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, through Your great love and incomprehensible mercy, we have been brought out of darkness into Thy light. Through Your constant persistence in our lives, You continually tap us on the shoulder and remind us of who and Whose we are. Thank You for not abandoning us and leaving us to our own demise, but rather, through Your subtle nudging of us and, yes, sometimes even a quick swift kick in the seat of our pants, You push and pull us into opportunities of service and ministry to others. Grant us the vision to see these windows of hope and focus our resolve to move in the ways of service to others. Illuminate our paths. Guide our steps. Forgive us our sins. And, use us as instruments for Thine eternal glory. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 12 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (107-0).

Leaves of absence are granted Representatives Hiatt and R. Hunter for today.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Gardner, Cansler, and Clary, Co-Chairs, for the Permanent Subcommittee on Human Resources of the Standing Committee on Appropriations, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 74,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, with a favorable report.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Dickson, Berry, Clary, Dedmon, Gamble, Kiser, Rayfield, and Weatherly:

H.B. 1256, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY, is referred to the Committee on Local and Regional Government II.

By Representatives Dickson, Berry, Clary, Dedmon, Gamble, Kiser, Rayfield, Smith, Watson, and Weatherly:

H.J.R. 1257, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Dickson and Weatherly:

H.B. 1258, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE, is referred to the Committee on Commerce.

By Representative Smith:

H.B. 1259, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE CARTERET ABC SYSTEM, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representative Ives:

H.B. 1260, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS, is referred to the Committee on State Government.

By Representative Owens:

H.B. 1261, A BILL TO BE ENTITLED AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, is referred to the Committee on Local and Regional Government I.

By Representatives Brown, Davis, Goodwin, Hiatt, Moore, Morris, Sexton, Watson, and G. Wilson:

H.B. 1262, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL UTILITY COSTS, is referred to the Committee on Appropriations.

By Representative Howard:

H.B. 1263, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF COOLEEMEE'S TEXTILE HERITAGE HISTORIC SITE IN THE TOWN OF COOLEEMEE IN DAVIE COUNTY, is referred to the Committee on Appropriations.

By Representatives Buchanan, Starnes, and Thompson:

H.B. 1264, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER, CALDWELL, AND MITCHELL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, is referred to the Committee on Local and Regional Government II.

By Representatives Bonner, Goodwin, Sutton, and Yongue:

H.B. 1265, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROWLAND FOR THE REDESIGN AND RECONSTRUCTION OF THE ROWLAND RECREATION PARK, is referred to the Committee on Appropriations.

By Representatives Bonner, Goodwin, Sutton, and Yongue:

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIRMONT FOR THE DEVELOPMENT AND CONSTRUCTION OF A PARK, is referred to the Committee on Appropriations.

By Representatives Bonner, Goodwin, Sutton, and Yongue:

H.B. 1267, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF MAXTON FOR THE REHABILITATION OF THE RECREATION CENTER AND GYM BUILT IN THE EARLY 1940'S BY THE DAVIS BROTHERS, is referred to the Committee on Appropriations.

By Representatives Allred, Aldridge, Baker, Beall, Berry, Bonner, Brawley, Brown, Buchanan, Cansler, Capps, Cole, Davis, Decker, Dedmon, Eddins, Esposito, Gardner, Grady, Gulley, Hill, Howard, Hurley, Justus, Kiser, McComas, McMahan, Miller, Moore, Morris, Mosley, Nichols, Nye, Preston, Rayfield, Redwine, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Warner, Warwick, Watson, Weatherly, Wood, and Yongue:

H.B. 1268, A BILL TO BE ENTITLED AN ACT TO REDUCE PROPERTY TAXES ON HOMESTEAD PROPERTY, TO ALLOW MORE INDIVIDUALS TO QUALIFY FOR THE HOMESTEAD TAX REDUCTION, AND TO REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, is referred to the Committee on Finance.

By Representatives Baker, Davis, Sherrill, and Shubert:

H.B. 1269, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA GOVERNMENT COMPETITION COMMISSION TO PROVIDE FOR BETTER GOVERNMENT IN NORTH CAROLINA THROUGH A COMPREHENSIVE STATE GOVERNMENT COMPETITION INITIATIVE, is referred to the Committee on State Government and, if favorable, to the Committee on Appropriations.

By Representatives Rayfield, Aldridge, Bonner, Dickson, Gulley, G. Wilson, and Yongue:

H.B. 1270, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES AT THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY, is referred to the Committee on Appropriations.

By Representatives Rayfield, Aldridge, Allred, Bonner, Buchanan, Cansler, Capps, Culp, Davis, Eddins, Esposito, Goodwin, Gulley, Hill, Justus, McMahan, Moore, Morris, Nichols, Preston, Sexton, Sherrill, Shubert, Starnes, Thompson, Warner, G. Wilson, Wood, and Yongue:

H.B. 1271, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE SALES TAX ON FOOD, is referred to the Committee on Finance.

By Representatives Rayfield, Aldridge, Bonner, Capps, Culp, Davis, Dickson, Eddins, Grady, Gulley, Hill, Justus, Moore, Morris, Nichols, Preston, Sexton, Shubert, Smith, Warner, Warwick, G. Wilson, Wood, and Yongue:

H.B. 1272, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, is referred to the Committee on State Government and, if favorable, to the Committee on Finance.

On motion of Representative Morgan, seconded by Representative Hackney, the House adjourns at 1:11 p.m. to reconvene May 14 at 11:30 a.m.

ONE HUNDRED TWENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, May 14, 1998

The House meets at 11:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Holy God, we pray that You would work among us and within us giving to each of us the power of Your grace, the vision of Your wisdom, the Spirit of Your discernment. As we mull about our respective committees in these early stages of this session, keep us from complacency and apathy. Ignite within us the resolve and determination to look at each piece of legislation as if it has the potential to make a difference in the lives of others. Holy God, keep us true to our responsibilities, to each other, to the people of North Carolina, and ultimately to You, our Rock and our Redeemer. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 13 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (91-0).

Leaves of absence are granted Representatives Aldridge, Cole, Decker, Gamble, Hiatt, R. Hunter, Redwine, Sutton, and Weatherly for today.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 989,** A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM, with recommendation that the House do not concur.

The Senate Committee Substitute bill is placed on the Calendar of May 18.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Allred, Allen, Arnold, Baker, Beall, Berry, Buchanan, Cole, Davis, Dedmon, Eddins, Esposito, Fox, Gardner, Goodwin, Grady, Gulley, Hall, Hardy, Hurley, Jeffus, Justus, McCrary, Morgan, Nichols, Nye, Preston, Redwine, Saunders, Shubert, Smith, Starnes, Watson, and Wood:

H.B. 1273, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE, is referred to the Committee on Finance.

By Representatives Dickson and Rayfield:

H.B. 1274, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representative Mitchell:

H.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Fitch, Adams, Black, Blue, Braswell, Buchanan, Clary, Dedmon, Hensley, H. Hunter, McAllister, Michaux, Mosley, Wainwright, Warner, and Wright:

H.B. 1276, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS AND SUBSTITUTE AN INCREASE IN THE RETIREMENT FORMULA, is referred to the Committee on Pensions and Retirement.

By Representatives Hurley, Gamble, Kinney, McAllister, Morris, Nye, Sutton, Warner, and Yongue:

H.B. 1277, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES'

RETIREMENT SYSTEM, is referred to the Committee on Local and Regional Government I.

By Representatives Baddour, Braswell, and Russell:

H.B. 1278, A BILL TO BE ENTITLED AN ACT TO ALLOW WAYNE COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, is referred to the Committee on Local and Regional Government I.

By Representatives Baddour and Goodwin:

H.B. 1279, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND TO EXTEND THE CIVIL PROCEDURE STUDY COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McMahan, Alexander, Black, Cunningham, Dedmon, Earle, Easterling, Goodwin, Gulley, Hurley, Justus, Saunders, Shubert, and C. Wilson:

H.J.R. 1280, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE DEMOCRATIC NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McMahan, Alexander, Black, Cunningham, Dedmon, Earle, Easterling, Eddins, Goodwin, Gulley, Hall, Hurley, Justus, Saunders, Shubert, and C. Wilson:

H.J.R. 1281, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill, Hurley, Redwine, and Smith:

H.B. 1282, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA

MUSEUM OF FORESTRY, is referred to the Committee on Appropriations.

By Representatives Hill, Redwine, and Smith:

H.B. 1283, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA MUSEUM OF FORESTRY, is referred to the Committee on Appropriations.

By Representative Brown:

H.B. 1284, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, is referred to the Committee on Local and Regional Government II.

CONFERENCE REPORT

Representative Daughtry sends forth the Conference Report on House Committee Substitute for **S.B. 993,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of May 18.

On motion of Representative Morgan, seconded by Representative Allen, the House adjourns at 11:41 a.m. to reconvene Monday, May 18, 1998, at 7:00 p.m.

ONE HUNDRED TWENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, May 18, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, You are the source of all truth and knowledge...You are the Creator of all that is good and decent and pure. How appropriate it

is for us to begin our week in humble prayer to You. Hopefully, we have used the weekend to renew our bodies, minds, and souls. Hopefully, we have been nourished spiritually by the power of God in order to better utilize the gifts given to us in service to others.

"Set within our hearts a renewed spirit to serve Thee, O God, and set our feet on solid paths. Clear our consciences of all that is evil and selfish and displeasing to You, so that our work might be an offering of grace to You and Your people.

"As we turn our attention to the work at hand, guide our thoughts and our decisions so that they would reflect a healthy balance of fairness, compromise, and grace. We would especially ask for Your assistance as we evaluate, re-order, and negotiate the redistricting plans. This is an important and awesome task, and we need Your help. Come to us through Your Spirit and offer us Your aid in this and in all things so that ultimately Thy will would be done on earth, as it is in heaven. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 14 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Representative Baddour requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (101-0).

Leaves of absence are granted Representatives Church, Cunningham, Dockham, Goodwin, Smith, and Wood for today. Representative Thompson is excused for a portion of the session.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Starnes, Cansler, Hardy, and Rayfield:

H.B. 1285, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLICIZE THE REVENUE NEUTRAL TAX RATE IN THE YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY, AND TO NOTIFY PERSONS

SUBJECT TO ANNEXATION OF THE PROJECTED CHANGE TO THEIR PROPERTY TAX LIABILITY, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

By Representatives Sherrill, Cansler, and Nesbitt:

H.B. 1286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE CONSTRUCTION OF THE BLUE RIDGE REGIONAL DESTINATION CENTER, is referred to the Committee on Appropriations.

By Representatives Sherrill, Cansler, Ives, and Nesbitt:

H.B. 1287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE CONTINUED CAPITAL DEVELOPMENT OF THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, is referred to the Committee on Appropriations.

By Representative Sherrill:

H.B. 1288, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBERS, is referred to the Committee on Local and Regional Government II.

By Representative Gardner:

H.B. 1289, A BILL TO BE ENTITLED AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC., ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED TO THAT ENTITY, is referred to the Committee on Local and Regional Government II.

By Representatives Beall and Ramsey:

H.B. 1290, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, is referred to the Committee on Ways and Means.

By Representative Brown:

H.B. 1291, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE WILKES COUNTY COURTHOUSE, is referred to the Committee on Appropriations.

By Representatives Brown, Carpenter, Culp, Dickson, Fox, Mitchell, and G. Wilson:

H.B. 1292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION AND PLANNING OF CAPITAL IMPROVEMENTS AND RELATED PROJECTS AT NORTH CAROLINA STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives C. Wilson, Baker, Buchanan, Cansler, Capps, Culp, Davis, Decker, Esposito, Hall, Hardy, Hurley, Justus, McComas, Moore, Morgan, Morris, Preston, Rayfield, Russell, Shubert, and Weatherly:

H.B. 1293, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK WITH INTEREST FOR THE 1991 THROUGH 1994 TAX YEARS, is referred to the Committee on Finance.

By Representatives Buchanan, Adams, H. Hunter, Hurley, Sexton, and Thompson:

H.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR VOLUNTEER DEVELOPMENT PROGRAMS, is referred to the Committee on Appropriations.

By Representative Nye:

H.B. 1295, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE "TOUCHING THE LIVES OF FAMILIES" PROGRAM, is referred to the Committee on Appropriations.

By Representative Nye:

H.B. 1296, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MULTIPURPOSE FORESTRY CENTER AT THE TURNBULL EDUCATIONAL STATE FOREST, is referred to the Committee on Appropriations.

By Representatives Clary, Aldridge, Allen, Baker, Beall, Bonner, Buchanan, Cansler, Culp, Cunningham, Dedmon, Earle, Esposito, Gardner, Hall, Hardy, Hill, H. Hunter, Jeffus, Justus, Kiser, Luebke, McComas, Mitchell, Moore, Morris, Nye, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Thompson, Watson, and G. Wilson:

H.B. 1297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE MEDICAID BENEFITS TO CERTAIN AGED AND DISABLED PERSONS, is referred to the Committee on Appropriations.

By Representatives Clary, Aldridge, Allen, Baker, Beall, Bonner, Buchanan, Cansler, Culp, Cunningham, Dedmon, Earle, Esposito, Gardner, Hall, Hardy, Hill, H. Hunter, Insko, Jeffus, Kiser, Luebke, McComas, Moore, Morris, Nye, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Thompson, Watson, Weatherly, and G. Wilson:

H.B. 1298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS FOR SENIOR CENTERS, is referred to the Committee on Appropriations.

By Representatives Clary, Aldridge, Allen, Baker, Beall, Bonner, Buchanan, Cansler, Culp, Cunningham, Dedmon, Earle, Esposito, Gardner, Hall, Hardy, Hill, H. Hunter, Hurley, Insko, Jeffus, Kiser, Luebke, McComas, Mitchell, Moore, Morris, Nye, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Thompson, Watson, Weatherly, and G. Wilson:

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTERS, is referred to the Committee on Appropriations.

By Representatives Clary, Aldridge, Allen, Baker, Beall, Bonner, Brown, Buchanan, Cansler, Culp, Cunningham, Dedmon, Earle, Esposito, Gardner, Hall, Hardy, Hill, H. Hunter, Insko, Jeffus, Kiser, Luebke, McComas, Mitchell, Moore, Morris, Nye, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Thompson, Watson, Weatherly, and G. Wilson:

H.B. 1300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AREA AGENCIES ON AGING, is referred to the Committee on Appropriations.

By Representatives Beall, Aldridge, Allen, Allred, Arnold, Baddour, Baker, Barbee, Black, Blue, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford,

Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Fitch, Fox, Gamble, Goodwin, Grady, Gray, Hackney, Hall, Hensley, Hightower, Holmes, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McCrary, McMahan, Mercer, Miller, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Rogers, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, C. Wilson, Womble, Wood, Wright, and Yongue:

H.J.R. 1301, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Beall, Aldridge, Allen, Allred, Arnold, Baddour, Baker, Barbee, Black, Blue, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Earle, Easterling, Esposito, Fitch, Fox, Gamble, Goodwin, Grady, Gray, Hackney, Hall, Hensley, Hightower, Holmes, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McCrary, McMahan, Mercer, Miller, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Rogers, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, C. Wilson, Womble, Wood, Wright, and Yongue:

H.J.R. 1302, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Fitch, Adams, Alexander, Allen, Baddour, Blue, Boyd-McIntyre, Creech, Cunningham, Decker, Earle, Easterling, Gamble, Hensley, Hightower, H. Hunter, Insko, Jarrell, Jeffus, Luebke, McAllister, McCrary, Moore, Mosley, Saunders, Smith, Wainwright, Warner, Warwick, Womble, Wright, and Yongue:

H.B. 1303, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE SALES TAX ON FOOD, is referred to the Committee on Finance.

By Representatives Bowie, Buchanan, Church, Dockham, Hill, and Sexton, (Co-Sponsors); Adams, Aldridge, Allen, Berry, Brown, Creech, Culp, Davis, Eddins, Esposito, Gardner, McAllister, Morris, Preston, Rayfield, Russell, Shubert, and Watson:

H.B. 1304, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, is referred to the Committee on Transportation.

By Representatives Thompson, Baker, Buchanan, Justus, and Weatherly:

H.J.R. 1305, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Thompson and Buchanan:

H.B. 1306, A BILL TO BE ENTITLED AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY THE BOARD, is referred to the Committee on Local and Regional Government II.

By Representatives Thompson and Buchanan:

H.B. 1307, A BILL TO BE ENTITLED AN ACT REGARDING AVERY COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Thompson and Buchanan:

H.B. 1308, A BILL TO BE ENTITLED AN ACT REGARDING MITCHELL COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Thompson and Buchanan:

H.B. 1309, A BILL TO BE ENTITLED AN ACT REGARDING BURKE COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Thompson and Buchanan:

H.B. 1310, A BILL TO BE ENTITLED AN ACT REGARDING CATAWBA COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Thompson and Buchanan:

H.B. 1311, A BILL TO BE ENTITLED AN ACT REGARDING CALDWELL COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goodwin:

H.B. 1312, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MOUNT GILEAD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representative Goodwin:

H.B. 1313, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RICHMOND COUNTY FOR THE CAPITAL COSTS OF COMPLETING THE NEW HUMAN SERVICES COMPLEX IN RICHMOND COUNTY SO THAT IT CAN PROVIDE A CENTRAL LOCATION FOR THE AGRICULTURAL AGENCIES THAT SERVE VARIOUS COUNTIES IN THE REGION, is referred to the Committee on Appropriations.

By Representatives Allred, Earle, Eddins, Hardy, Hill, H. Hunter, Sexton, and Sutton:

H.B. 1314, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION, AS RECOMMENDED BY

THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON CEMETERY ISSUES, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Judiciary II.

By Representatives Owens, Eddins, Fox, Hall, Hill, and Shubert:

H.B. 1315, A BILL TO BE ENTITLED AN ACT TO EXPAND THE WILLIAM S. LEE INVESTMENT TAX CREDIT TO INCLUDE OPERATING LEASES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cansler, Baker, Berry, Buchanan, Capps, Creech, Culp, Davis, Decker, Eddins, Esposito, Gardner, Hall, Hardy, Hill, Hurley, Justus, McComas, Mitchell, Moore, Morgan, Morris, Preston, Rayfield, Russell, Sexton, Shubert, Sutton, Watson, and Weatherly:

H.B. 1316, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE NORTH CAROLINA INHERITANCE TAX AND TO RETAIN A STATE ESTATE TAX EQUAL TO THE FEDERAL STATE DEATH TAX CREDIT, is referred to the Committee on Finance.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE STATE SALES TAX ON FOOD, is read the first time and referred to the Committee on Finance.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE
SECOND SESSION 1998

Senate Chamber
May 18, 1998

Mr. Speaker:

On **S.B. 993,** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the

conferees to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

Representative Daughtry moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 993

To: THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 993, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, House Committee Substitute, Fifth Edition Engrossed 6/9/97, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 6/9/97, and the Senate concurs in the House Committee Substitute, Fifth Edition Engrossed 6/9/97, as amended:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 6/9/97, and substitute the attached Proposed Conference Committee Substitute S993-PCCS 1910.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: May 13, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Tony Rand, Chairman	S/ Leo Daughtry, Chair
S/ Roy Cooper	S/ Bill Hurley

S/ Howard Lee
S/ David Hoyle
S/ Leslie Winner
S/ Jim Forrester
S/ Hamilton C. Horton
S/ Betsy Cochrane
S/ Mark McDaniel
S/ Jerry C. Dockham
S/ Philip A. Baddour
S/ Ed McMahan
S/ Lyons Gray
S/ Howard Hunter

Representative Decker inquires of the Chair if, under Rule 44(b), the bill is properly before the Body. The Chair rules that the bill is properly before the Body.

Pursuant to Rule 24.1A(c), the request that Representative Neely be excused from voting on May 28, 1997, is continued.

The Conference Report is adopted by electronic vote (78-27) and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 989,** A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM.

On motion of Representative Rogers, the House does not concur in the Senate committee substitute by electronic vote (104-2).

The Speaker appoints Representatives Arnold, Preston, and Rogers as conferees and the Senate is so notified by Special Message.

INTRODUCTION OF PAGES

Pages for the week of May 18 are introduced to the membership. They are: James Hampton Barnhill of Johnston; Robert Michael Birch, Jr., of Wake; Osen Felton Bowser of Northampton; Shannon Mary Fagan of Catawba; Christin Huisman of Wake; Pamela Nichole Jackson of Catawba; Aaron David Marks of Iredell; Amanda Mashburn of Carteret; Eric Emmit Neal of Johnston; Meredith Brooke Oakes of Wake; Gina Parise of Iredell; Daniel Adam Peacock of Wake; Adrienne Marie Phillips of Mitchell; Joseph Finley Powell of Union; Timothy Lee Robertson of Granville; Heather Miranda Sowers of Iredell; Caroline Jolene Walker of Johnston;

Monta LaMoan Ward of Johnston; Elizabeth Dare Whittenton of Harnett; and Jamie Renee Wilson of Mitchell.

On motion of Representative Morgan, seconded by Representative Oldham, the House adjourns at 7:59 p.m. to reconvene May 19 at 2:00 p.m.

ONE HUNDRED TWENTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 19, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"To You, Great God of heaven and earth, be all glory given. You are the Author and Perfector of life. You created us out of Your very own breath. You gave us dominion over Your creation and called us into a relationship with You. When our love and affection for You failed, Your love remained steadfast. You have promised never to leave us, never to forsake us. We thank You and we offer unto You our very lives as we work to bring order to this part of Your world.

"We ask, O God, for Your presence on this day and everyday. Bless us with Your mercy. Grace us with Your wisdom. Love us with Your grace. We give You thanks and humbly seek to serve You in every way. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 18 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Representative Esposito requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (101-0).

Leaves of absence are granted Representatives Adams, Baddour, Dockham, Goodwin, and Warwick for today.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1252, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL BE REMITTED TO THE SCHOOL FUND OF THE COUNTY OF THE DEFENDANT'S RESIDENCE, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representative C. Wilson:

H.B. 1317, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS, is referred to the Committee on Judiciary I.

By Representatives Neely, Brawley, Cansler, Capps, Gray, Hill, Hurley, Ramsey, and C. Wilson:

H.B. 1318, A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS, is referred to the Committee on Finance.

By Representatives Thompson, Buchanan, Carpenter, Hightower, R. Hunter, and Shubert:

H.B. 1319, A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Cansler, Brawley, Capps, Esposito, Gray, Hill, Neely, Ramsey, Starnes, and C. Wilson:

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE PRIVILEGE TAX ON GROSS RECEIPTS FROM MOTION PICTURE SHOWS, is referred to the Committee on Finance.

By Representatives Daughtry and Baddour:

H.B. 1321, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE COURT SYSTEM BY IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA AND TO MAKE OTHER CHANGES IN THE OPERATIONS OF THE COURTS, is referred to the Committee on Judiciary I.

By Representatives Redwine, Gulley, Hill, Mosley, Owens, Preston, Rayfield, Smith, Warwick, and Watson:

H.B. 1322, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BEACH RENOURISHMENT FUND, TO ESTABLISH THE TRUSTEES OF THE FUND, TO RESERVE FIVE PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE BEACH RENOURISHMENT FUND, AND TO MAKE CONFORMING STATUTORY CHANGES, is referred to the Committee on Environment and, if favorable, to the Committee on Appropriations.

By Representatives Dickson, Hurley, Luebke, Smith, and Watson:

H.B. 1323, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE CLASS SIZE IN LOW-PERFORMING ELEMENTARY SCHOOLS, is referred to the Committee on Appropriations.

By Representatives Gray, Decker, Esposito, Oldham, Sexton, and Womble:

H.J.R. 1324, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Gray:

H.J.R. 1325, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gray and C. Wilson, (Co-Sponsors); Brawley, Cansler, Capps, Hill, Hurley, Neely, Ramsey, and Starnes:

H.B. 1326, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, is referred to the Committee on Finance.

By Representatives Owens, Gardner, Preston, and Smith:

H.B. 1327, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS, is referred to the Committee on Education and, if favorable, to the Committee on Finance.

By Representative Owens:

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FRANCHISED NATURAL GAS DISTRIBUTION COMPANY THAT IS NOT PROVIDING SERVICE TO AT LEAST SOME PORTION OF CAMDEN, CURRITUCK, DARE, OR TYRRELL COUNTIES BY JULY 1, 1998, SHALL LOSE ITS EXCLUSIVE FRANCHISE RIGHTS TO THE COUNTY NOT BEING SERVED, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Commerce.

By Representatives Mitchell, Baker, Watson, and Weatherly:

H.B. 1329, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO MODIFY BUILDING

FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR EXISTING WATER SUPPLY WELLS SERVING FOSTER CARE HOMES, THERAPEUTIC HOMES FOR CHILDREN AND ADOLESCENTS, AND BED AND BREAKFAST HOMES AND INNS, is referred to the Committee on Environment.

By Representatives Mercer and Aldridge:

H.B. 1330, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, is referred to the Committee on Finance.

By Representatives Nye, Hill, McComas, Redwine, and Wright:

H.B. 1331, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO KEYS COMMUNITY REHABILITATION PROGRAM, INC., FOR CAPITAL IMPROVEMENTS, is referred to the Committee on Appropriations.

By Representatives Rogers, Aldridge, Mercer, and Tolson:

H.B. 1332, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF GREENVILLE WITH AN EXEMPTION FROM THE BIDDING REQUIREMENTS ON DOWNTOWN REDEVELOPMENT PROJECTS, is referred to the Committee on Local and Regional Government I.

By Representatives Morris, Baddour, Brawley, Cansler, Capps, Davis, Dedmon, Fox, Gulley, Hardy, Hurley, Ives, Kiser, McAllister, Moore, Rayfield, Russell, Sexton, Shubert, Tolson, Warner, Warwick, Watson, Weatherly, and Yongue:

H.B. 1333, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO PUBLISH THE TEXT OF A PROPOSED RULE ON THE INTERNET, is referred to the Committee on State Government.

By Representatives Morris, Baddour, Brawley, Cansler, Capps, Davis, Dedmon, Eddins, Fox, Gulley, Hardy, H. Hunter, Hurley, Ives, Kiser, McAllister, Moore, Nichols, Owens, Rayfield, Russell, Sexton, Shubert, Tolson, Watson, Weatherly, and Yongue:

H.B. 1334, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF CONTRACTORS ON THE BUILDING CODE COUNCIL

AND TO REQUIRE COUNCIL TO CONSIDER THE IMPACT OF CODE CHANGES ON THE AFFORDABILITY OF RESIDENTIAL HOUSING, is referred to the Committee on State Government.

On motion of Representative Morgan, seconded by Representative Gamble, the House adjourns at 2:12 p.m. to reconvene May 20 at 2:00 p.m.

ONE HUNDRED THIRTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 20, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, life is such a precious commodity. Life is an opportunity to live into the fullness of who we have been created to be. Life is Your gift to us. Quite often, we take life for granted. Many times, we forget that all that we are and all that we have are, indeed, gifts from You. We exploit them. We abuse them. We ignore them. And, when we do these sins to others, we also do them unto You. Forgive us when we fail to recognize the splendor of Your gift of life. Free us for joyful obedience so that we might worthily magnify Your holy name. Incredible God who loves us more than we can ever imagine, embrace us. Embrace our lives, so that even in this very moment, each one of us would know Your divine Presence. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 19 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (111-0).

Leaves of absence are granted Representatives Braswell and Daughtry for today. Representative Blue is excused for a portion of the session.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 993, AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

Representative McMahan, for the Committee on Congressional Redistricting submits the following bill with a favorable report for introduction.

A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

Pursuant to Rule 31(a), the bill is filed and assigned the number **H.B. 1394.**

Without objection, the bill is read the first time and calendared pursuant to Rule 36(a).

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Neely, Alexander, Brown, Cansler, Culpepper, Dickson, Easterling, Gamble, Hall, Hightower, Hurley, Jarrell, McCombs, Mosley, Preston, Rogers, Warner, and Warwick:

H.R. 1335, A HOUSE RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hill:

H.B. 1336, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW LOCAL ABC SYSTEM, is referred to the Committee on Local and Regional Government I.

By Representatives Daughtry, Berry, Cansler, Capps, Creech, Culp, Culpepper, Davis, Dedmon, Goodwin, Hall, Hardy, Justus, McCombs, Mitchell, Mosley, Rayfield, Sexton, Shubert, Smith, Tolson, Warwick, Watson, Weatherly, and Yongue:

H.B. 1337, A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, is referred to the Committee on Pensions and Retirement.

By Representatives Beall, Carpenter, and Ramsey:

H.B. 1338, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE OPERATION OF PERSONAL WATERCRAFT, is referred to the Committee on Local and Regional Government II.

By Representatives Culp, Allen, Carpenter, Kiser, Sexton, Watson, and Weatherly:

H.B. 1339, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT PROGRAMS OF THE NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC., is referred to the Committee on Appropriations.

By Representatives Culp, Allen, Carpenter, Kiser, Sexton, Watson, and Weatherly:

H.B. 1340, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC., FOR THE CONSTRUCTION AND RENOVATION OF BUILDINGS, is referred to the Committee on Appropriations.

By Representatives McMahan, Alexander, Earle, Gulley, and Saunders:

H.B. 1341, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORMWATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Brawley, Cansler, Capps, Gray, Hill, Morris, Neely, Ramsey, and C. Wilson:

H.B. 1342, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CLERK OF SUPERIOR COURT DOES NOT HAVE TO INVENTORY A DECEDENT'S SAFE-DEPOSIT BOX IF A QUALIFIED PERSON IS PRESENT AT THE OPENING OF THE BOX, is referred to the Committee on Judiciary II.

By Representatives Dickson, Black, Hurley, Thompson, and Watson:

H.B. 1343, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, is referred to the Committee on Commerce and, if favorable, to the Committee on Judiciary I.

By Representative Ellis:

H.B. 1344, A BILL TO BE ENTITLED AN ACT TO PROVIDE LEGISLATIVE OVERSIGHT AND REGULATION FOR THE USE OF PROCUREMENT CARDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rayfield, Bonner, Carpenter, Fox, Moore, Mosley, Sexton, Shubert, Tolson, Watson, and Womble:

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO REVISE THE ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR COMMUNITY COLLEGES, is referred to the Committee on Education.

By Representatives Nichols and Wainwright:

H.B. 1346, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CRAVEN COUNTY TO DREDGE NORTHWEST CREEK, is referred to the Committee on Appropriations.

By Representatives Shubert, Allen, Berry, Brawley, Brown, Davis, Eddins, Goodwin, Hardy, McComas, Morris, Rayfield, Reynolds, and Watson:

H.B. 1347, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL NOT TAX INTERNET ACCESS CHARGES, SHALL ENFORCE SALES TAXES ON INTERNET COMMERCE ONLY TO THE SAME EXTENT IT ENFORCES SALES TAX ON MAIL-ORDER COMMERCE, AND SHALL IMPOSE NO NEW TAXES ON THE INTERNET OR INTERNET COMMERCE, is referred to the Committee on Commerce and, if favorable, to the Committee on Finance.

By Representatives Shubert, Allen, Baker, Berry, Brown, Cansler, Davis, Eddins, Hardy, Hiatt, Hurley, McComas, Morris, Rayfield, Sexton, and Warner:

H.B. 1348, A BILL TO BE ENTITLED AN ACT TO REDUCE THE AMOUNT OF NET CAPITAL GAINS SUBJECT TO STATE INCOME TAX FOR ASSETS ACQUIRED ON OR AFTER JANUARY 1, 1999, is referred to the Committee on Finance.

By Representatives Shubert, Allen, Berry, Brawley, Brown, Eddins, Fox, Hall, Hurley, McComas, Morris, Nichols, Rayfield, and Warner:

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN OPTIONAL METHOD FOR FUNDING WORKERS' COMPENSATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Shubert, Allen, Berry, Brown, Davis, Eddins, Hurley, Morris, Mosley, Rayfield, Sexton, and Warner:

H.B. 1350, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUSINESS LICENSE INFORMATION OFFICE OF THE SECRETARY OF STATE'S OFFICE TO PROVIDE INFORMATION AND ASSISTANCE TO SMALL BUSINESSES, AS RECOMMENDED BY THE BUSINESS DEVELOPMENT STUDY COMMITTEE OF THE LEGISLATIVE RESEARCH COMMISSION, is referred to the Committee on Commerce.

By Representatives Fox, Alexander, Allen, Church, Cole, Culpepper, Dedmon, Goodwin, Hall, Hiatt, Hightower, Hill, Hurley, McCombs,

McCrary, Mercer, Mitchell, Nichols, Oldham, Owens, Tolson, Warner, Weatherly, and Yongue:

H.B. 1351, A BILL TO BE ENTITLED AN ACT TO REDUCE THE UNEMPLOYMENT INSURANCE TAX RATE FOR 1999 FOR ALL EMPLOYERS WITH A POSITIVE EXPERIENCE RATING, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Capps, Arnold, Brawley, Cansler, Davis, Eddins, Gray, Hall, Hill, Neely, Ramsey, Reynolds, Starnes, C. Wilson, and G. Wilson:

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE INITIATIVE AND REFERENDUM AUTHORITY OF CABARRUS COUNTY AND THE CITY OF CONCORD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Nye:

H.B. 1353, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BLADEN COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL BUILDINGS, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Finance.

By Representatives Brawley, Decker, Goodwin, Gulley, Weatherly, and Yongue:

H.B. 1354, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND MODERNIZE THE TORRENS LAND TITLE REGISTRATION PROCEDURES OF THE STATE, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

By Representatives Brawley, Gulley, McCombs, Morris, Shubert, and Tolson:

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE PROCUREMENT PROCESS, is referred to the Committee on State Government.

By Representatives Reynolds, Baker, Brawley, Clary, Cole, Dickson, Earle, Eddins, Gray, Hurley, McComas, Rayfield, Sexton, Shubert, Tolson, Weatherly, and G. Wilson:

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC ENTITIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, is referred to the Committee on Judiciary I.

By Representatives Reynolds, Baker, Brawley, Clary, Dickson, Earle, Eddins, Gray, Hurley, McComas, Rayfield, Sexton, Shubert, Tolson, Weatherly, and G. Wilson:

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, is referred to the Committee on Judiciary I.

By Representatives Preston, Berry, Hurley, Morris, Oldham, Russell, Sexton, Shubert, Warner, and Watson:

H.B. 1358, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS TO ADMINISTER STANDARDIZED TESTS IN GRADES K-2, is referred to the Committee on Education.

By Representatives Preston, Berry, Fox, Hall, Hurley, Insko, Moore, Morris, Mosley, Oldham, Russell, Sexton, Shubert, Smith, Tolson, and Warner:

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, is referred to the Committee on Education.

By Representatives Preston, Berry, Fox, Hurley, Insko, Moore, Morris, Oldham, Russell, Sexton, Shubert, Smith, Tolson, and Warner:

H.B. 1360, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, is referred to the Committee on Education.

By Representatives Starnes, Cansler, Decker, Hardy, Nichols, Rayfield, Sexton, Sherrill, and Shubert:

H.B. 1361, A BILL TO BE ENTITLED AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

By Representatives Preston, Capps, Davis, Hall, Hardy, Hurley, Morris, Nichols, Sexton, Shubert, Smith, and Warner:

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Pensions and Retirement.

By Representatives Brown and Mitchell:

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOOD BANK OF NORTHWEST NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY, is referred to the Committee on Appropriations.

By Representative Brown:

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PAINTING AND REPAIRING THE HISTORIC LUCAS MANSION IN ALEXANDER COUNTY, is referred to the Committee on Appropriations.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
May 19, 1998

Mr. Speaker:

Pursuant to your message received May 19, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 989,** (Senate Committee Substitute) A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM and requests conferees, the President Pro Tempore appoints:

Senator Dalton, Chair
Senator Winner
Senator Garwood

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

BILL PLACED ON CALENDAR

Pursuant to Rule 36(a), Representative Morgan places **H.B. 1394,** A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, on today's calendar.

CALENDAR

Action is taken on the following:

H.B. 1394, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

Representative McMahan offers Amendment No. 1 which is adopted by electronic vote (112-1).

Representative Mercer moves that the bill be removed from today's Calendar and placed on the calendar of May 21. The motion fails by electronic vote (26-89).

The bill, as amended, passes its second reading by electronic vote (88-28).

Representative Mercer objects to the third reading. The bill remains on the Calendar.

Representative Morgan moves that Rule 41(b) be suspended to the end that the bill may be read a third time. The motion carries by electronic vote (84-30). The Chair rules this to be a two-thirds majority.

The bill, as amended, passes its third reading, by electronic vote (90-27), and is ordered engrossed and sent to the Senate by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

S.J.R. 1143, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO EXEMPT INSTITUTIONALIZED ADULTS FROM BIOMETRICS RECIPIENT IDENTIFICATION REQUIREMENT OF THE WORK FIRST PROGRAM, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.J.R. 1155, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Hensley, the House adjourns at 2:53 p.m. to reconvene May 21 at 11:00 a.m.

ONE HUNDRED THIRTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, May 21, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Most Merciful God, incline our ears to hear the soft whisper of Your voice. Quite often what we interpret to be Your voice speaking to us is really our own voice telling us what we want to hear. Lord, teach us that discerning between the two often means taking us to places where we didn't think we had the nerve to go. It means having the courage to stand for things we didn't think we had the strength to endure. It means learning to become people we never thought we would become. Denying our selfish wants and desires is not an easy task in a world that begs us to be self-indulgent, even at the expense of and sometimes to the oppression of others. Opening ourselves to the Spirit of God opens us up to an infinite amount of possibilities, to an eternity of hope, and to a never-ending pursuit of Godly love. Help us move in this direction, for this is truly what every living soul craves. We, who are gathered here, are no different; we want to be faithful to Your claim on our lives, as well. So, in the name, and with the help of God, we most earnestly and sincerely pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 20 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (110-1).

Leaves of absence are granted Representatives Braswell, Berry, and Watson for today.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer **H.B. 1330,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE, to the Permanent Subcommittee on Local, Regional, and State Revenues.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Daughtry, Baddour, Black, Culpepper, Dedmon, Hurley, and Neely:

H.B. 1365, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON THE FUTURE OF THE COURTS TO INCREASE THE NUMBER OF JUDICIAL DIVISIONS IN THE STATE IN ORDER TO ESTABLISH PILOT JUDICIAL CIRCUITS AND EVALUATE THE CIRCUIT COURT RECOMMENDATIONS MADE BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culpepper (By request):

H.B. 1366, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ONE PERCENT LOCAL LAND TRANSFER TAX, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Hill, Allred, Brawley, Cansler, Capps, Church, Davis, Gray, Neely, Ramsey, Shubert, Warner, C. Wilson, and Yongue:

H.B. 1367, A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE, is referred to the Committee on Finance.

By Representatives Rayfield, Baddour, Bonner, Carpenter, Hurley, Moore, Mosley, Preston, Sexton, Shubert, Tolson, Warner, and Womble:

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY, is referred to the Committee on Education.

By Representatives Rayfield, Baddour, Bonner, Carpenter, Hurley, Moore, Morris, Mosley, Preston, Sexton, Shubert, Sutton, Tolson, Warner, and Womble:

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR

EQUIPMENT, is referred to the Committee on Education and, if favorable, to the Committee on Finance.

By Representatives Yongue, Bonner, Hurley, Preston, Sutton, and Warner:

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, is referred to the Committee on Finance.

By Representatives Yongue, Baddour, Bonner, Culp, Goodwin, Hurley, Mosley, Preston, Sexton, Shubert, Sutton, and Warner:

H.B. 1371, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, is referred to the Committee on Education.

By Representatives Russell, Baddour, Moore, Preston, Sexton, and Shubert:

H.B. 1372, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND VARIOUS EDUCATION LAWS, is referred to the Committee on Education.

By Representatives Neely, Alexander, Baddour, Black, Bowie, Church, Cole, Culpepper, Cunningham, Dickson, R. Hunter, Hurley, Luebke, McCrary, Miller, Moore, Morris, Mosley, Rayfield, Redwine, Rogers, Saunders, Sexton, Sutton, and Warner:

H.B. 1373, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, TO MAKE CONFORMING CHANGES TO THE STATUTES, AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Appropriations.

By Representatives Neely, Allred, Baddour, Brawley, Cansler, Capps, Gray, Hill, Hurley, Morris, Ramsey, and C. Wilson:

H.B. 1374, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO CAN REPRESENT A TAXPAYER BEFORE THE COUNTY BOARD OF EQUALIZATION, TO CLARIFY THAT A HEARING BEFORE THE PROPERTY TAXES COMMISSION IS DE NOVO, AND TO ALLOW A COUNTY TO PRORATE PROPERTY TAX ON A MOTOR VEHICLE WHEN THE OWNER SURRENDERS THE VEHICLE'S LICENSE PLATE, is referred to the Committee on Finance.

By Representatives Sherrill, Cansler, Ives, Nesbitt, and Thompson:

H.B. 1375, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE HIGHSMITH CENTER AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE, is referred to the Committee on Appropriations.

By Representatives Sherrill, Capps, and Warner:

H.B. 1376, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE, is referred to the Committee on Human Resources.

By Representatives Gardner, Goodwin, Hurley, Mitchell, Nichols, and Rayfield:

H.J.R. 1377, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT REQUIRING THAT DEFENDANTS CHARGED WITH A VIOLENT CRIME AND FOUND NOT GUILTY BY REASON OF INSANITY BE COMMITTED TO A FORENSIC UNIT OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill and Redwine:

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOYS AND GIRLS HOMES OF NORTH CAROLINA, INC., TO ENLARGE AND RENOVATE THE AGRICULTURAL

ARENA AT LAKE WACCAMAW, is referred to the Committee on Appropriations.

By Representatives Hill and McComas, (Co-Sponsors), and Redwine:

H.B. 1379, A BILL TO BE ENTITLED AN ACT TO ADD NEW HANOVER COUNTY TO THE BEAVER DAMAGE CONTROL PROGRAM AND TO APPROPRIATE FUNDS TO CONTINUE THE BEAVER DAMAGE CONTROL PROGRAM, is referred to the Committee on Appropriations.

By Representatives Hurley, Capps, Davis, Kinney, McAllister, Morris, Nye, Warner, C. Wilson, and Yongue:

H.B. 1380, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS' ENTRY INTO ABC-LICENSED PREMISES IN CUMBERLAND COUNTY, is referred to the Committee on Judiciary I.

By Representatives Carpenter and Hurley:

H.B. 1381, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSIST LANDOWNERS ON JUNALUSKA CREEK WHO HAVE SUFFERED PROPERTY DAMAGE FROM THE IMPLEMENTATION OF THE FEDERAL EMERGENCY WATERSHED PROGRAM, is referred to the Committee on Appropriations.

By Representative Carpenter:

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MACON COUNTY FAIR ASSOCIATION, INC., TO UPGRADE ITS REST ROOMS AND AIR-CONDITIONING SYSTEMS, is referred to the Committee on Appropriations.

By Representatives Earle and Brawley, (Co-Sponsors); Alexander, Black, Cunningham, Dickson, Easterling, Gulley, McMahan, Mitchell, Rayfield, Saunders, and C. Wilson:

H.B. 1383, A BILL TO BE ENTITLED AN ACT TO ANNEX THE MECK NECK AREA OF MECKLENBURG COUNTY TO IREDELL COUNTY, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Carpenter, Black, and Yongue:

H.B. 1384, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DIRECT THE BOARD OF PHARMACY TO REFUND FEES ERRONEOUSLY COLLECTED, is referred to the Committee on State Government.

By Representatives Carpenter, Black, and Yongue:

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL, PHARMACY TECHNICIANS, AND ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS AND CHARGE A FEE, is referred to the Committee on State Government.

By Representative Carpenter:

H.B. 1386, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND AND UPGRADE THE COMMUNITY LINK PROGRAM TO PROVIDE ADDITIONAL EDUCATIONAL SERVICES TO WESTERN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representative Carpenter:

H.B. 1387, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-THIRD HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Carpenter:

H.B. 1388, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-THIRD HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Allred, Beall, Cole, Davis, Luebke, and Sutton:

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO DEDICATE A PORTION OF COURT COSTS TO PROVIDE ACCESS TO CIVIL JUSTICE, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance.

By Representatives Allred, Beall, Cole, Davis, H. Hunter, Luebke, Sherrill, Sutton, and Womble:

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO RESERVE FOUR PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE HOUSING TRUST FUND AND TO RESERVE TWO PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE DEPARTMENT OF COMMERCE FOR THE CENTER FOR COMMUNITY SELF-HELP, is referred to the Committee on Appropriations.

By Representatives Daughtry, Baddour, Culpepper, Goodwin, R. Hunter, and Neely:

H.B. 1391, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE, is referred to the Committee on Judiciary I.

By Representatives Sherrill, Capps, and Warner:

H.B. 1392, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE, is referred to the Committee on Human Resources.

By Representatives Justus and Baddour:

H.B. 1393, A BILL TO BE ENTITLED AN ACT TO CLARIFY CONDITIONS OF PROBATION FOR INTERMEDIATE PUNISHMENTS UNDER STRUCTURED SENTENCING, is referred to the Committee on Judiciary I.

By Representatives Grady, Goodwin, Hurley, Preston, Smith, Sutton, Warner, and Warwick:

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING

SCHOOLS MAKE IMPROVEMENT, is referred to the Committee on Education and, if favorable to the Committee on Appropriations.

By Representatives Gray, Sexton, and Womble:

H.B. 1396, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S FUND ASSOCIATION, is referred to the Committee on Pensions and Retirement.

By Representatives Beall, Carpenter, Ramsey, and Sutton:

H.B. 1397, A BILL TO BE ENTITLED AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS, is referred to the Committee on State Government.

By Representatives Fitch, Blue, H. Hunter, and Michaux:

H.B. 1398, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, is referred to the Committee on Congressional Redistricting.

By Representatives R. Hunter, Allred, Culpepper, Hall, Hurley, McCrary, Morris, Nichols, Rayfield, and Warner:

H.B. 1399, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THERE IS NO INSURANCE PREMIUM SURCHARGE OR ASSESSMENT OF POINTS FOR A CONVICTION FOR SPEEDING FIFTEEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT, is referred to the Committee on Insurance.

By Representatives R. Hunter, Baddour, Culpepper, Hardy, McCrary, Rayfield, and Sexton:

H.B. 1400, A BILL TO BE ENTITLED AN ACT TO RESTORE PROVISIONS THAT VICTIM AND WITNESS ASSISTANTS SHALL ONLY PROVIDE SERVICES FOR VICTIMS OF CRIME AND WITNESSES IN CRIMINAL CASES, is referred to the Committee on Judiciary I.

By Representative Decker:

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Creech and Weatherly:

H.B. 1402, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, is referred to the Committee on Environment.

By Representatives McCombs and Gardner:

H.B. 1403, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROWAN COUNTY TO LEVY A TEMPORARY ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL BUILDINGS, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Finance.

By Representatives Culpepper, Arnold, Baddour, Black, Brawley, Cansler, Hall, R. Hunter, McMahan, Miner, Owens, Preston, Redwine, Russell, and Smith:

H.B. 1404, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDITS AND TO POSTPONE THE SUNSET ON THE CREDITS, is referred to the Committee on Finance.

By Representatives Culpepper, R. Hunter, and Tolson:

H.B. 1405, A BILL TO BE ENTITLED AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, is referred to the Committee on Judiciary II.

By Representative Culpepper:

H.B. 1406, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO GENERAL STATUTES

AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is referred to the Committee on Judiciary II.

By Representative Culpepper:

H.B. 1407, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, is referred to the Committee on Local and Regional Government I.

By Representatives Watson, Buchanan, Carpenter, Clary, Culpepper, Dickson, Eddins, Goodwin, Gray, Gulley, Hardy, Hill, Mosley, Nichols, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Sexton, Smith, Wainwright, Warner, Warwick, Weatherly, and Yongue:

H.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSIST WITH THE RELOCATION OF THREATENED STRUCTURES AND TO ACQUIRE COASTAL SHORELINE PROPERTY RENDERED UNBUILDABLE UNDER CAMA RULES BY BEACH EROSION, is referred to the Committee on Appropriations.

By Representatives Clary, Barbee, Bowie, Cansler, Capps, Davis, Decker, Dedmon, Gardner, Kiser, Rayfield, Reynolds, Sherrill, Shubert, Starnes, Watson, and Weatherly.

H.B. 1409, A BILL TO BE ENTITLED AN ACT TO REGULATE THE OFF-PREMISE SALES OF MALT BEVERAGES IN KEGS AND MAKE BEER CONSUMPTION BY ANY PERSON UNDER 21 YEARS OF AGE A MISDEMEANOR, is referred to the Committee on Commerce and, if favorable, to the Committee on Judiciary I.

By Representatives Preston, Hurley, Mitchell, and Smith:

H.B. 1410, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is referred to the Committee on Environment.

By Representatives Preston, Mitchell, and Redwine:

H.B. 1411, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF FUNDS THAT MAY BE USED TO ADMINISTER THE FISHERY RESOURCE GRANT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is referred to the Committee on Appropriations.

By Representatives Blue, Allred, Black, Hensley, H. Hunter, Mosley, Nichols, and Womble:

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONRECOGNITION OF CAPITAL GAIN FOR STATE INCOME TAX PURPOSES ON SALES OF CERTAIN SMALL BUSINESSES IF THE OWNER BUYS A NEW SMALL BUSINESS WITHIN TWO YEARS, is referred to the Committee on Finance.

By Representatives Warner, Hurley, Kinney, Morris, and Yongue:

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN EARLY CHILDHOOD EDUCATIONAL CENTER AT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Warner, Allred, Beall, Black, Bonner, Gardner, Hall, Hightower, H. Hunter, Hurley, Jeffus, Luebke, McAllister, Morris, Mosley, Nesbitt, Redwine, Shubert, Sutton, Watson, Womble, and Yongue:

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO RETURN TO THE PRE-1991-92 PRACTICE OF SHARING SCHOOL UTILITY COSTS WITH THE COUNTIES, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Hill, Church, Culp, and Weatherly:

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment.

By Representatives Hill, Church, Culp, Mitchell, and Weatherly:

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE IMPLEMENTATION OF THE

SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Appropriations.

Representative Morgan moves, seconded by Representative Alexander, that the House adjourn, subject to the ratification of bills, to reconvene Monday, May 25, 1998, at 7:00 p.m.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1394, AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

The House stands adjourned at 4:30 p.m.

ONE HUNDRED THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, May 25, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Merciful God, last week, we gave You thanks for the gift of life that we so often take for granted. Today, we want to say thank You for the gift of freedom and the spirit of democracy that, once again, we all take for granted, at times. On this observation of Memorial Day, we remember all those who fought for our freedom. Their ultimate sacrifice for us to maintain a free society goes beyond our comprehension. We thank You also for those whose battles for freedom were more subtle, but were battles nonetheless. Those faceless, nameless, and countless individuals who never forgot about the needs and the opportunities of others regardless of race, sex, or creed. On this day, O God, remind us that You alone are sovereign over Your creation and only You can ultimately bring about the total joy of

freedom and peace and inner beauty that manifests itself by our outward actions. In these and in all things we pray in Your name. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 21 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (94-0).

Leaves of absence are granted Representatives Dockham, Kinney, Redwine, Russell, Thompson, and Wright for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representative Hightower:

H.B. 1417, A BILL TO BE ENTITLED AN ACT RELATING TO ANSON COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hightower:

H.B. 1418, A BILL TO BE ENTITLED AN ACT RELATING TO ANSON COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hightower:

H.B. 1419, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hightower:

H.B. 1420, A BILL TO BE ENTITLED AN ACT RELATING TO STANLY COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hightower:

H.B. 1421, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives C. Wilson, Brawley, Cansler, Capps, Gray, Hill, Neely, and Ramsey:

H.B. 1422, A BILL TO BE ENTITLED AN ACT TO REMOVE UNCONSTITUTIONAL RESTRICTIONS ON INDIVIDUAL INCOME TAX CREDITS FOR CHILD CARE AND FOR CONSTRUCTING DWELLINGS FOR THE HANDICAPPED, is referred to the Committee on Finance.

By Representatives Bowie, Owens, and Preston:

H.B. 1423, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS CONCERNING THE OREGON INLET, is referred to the Committee on Appropriations.

By Representative C. Wilson:

H.B. 1424, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, is referred to the Committee on Ways and Means.

By Representatives Arnold, Hurley, and Preston:

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE FLEXIBILITY, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Arnold, Hurley, and Preston:

H.B. 1426, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325, is referred to the Committee on Education.

By Representatives Arnold, H. Hunter, Tolson, and Warwick:

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR THE UPPER COASTAL PLAIN COUNCIL OF GOVERNMENTS' SMALL BUSINESS REVOLVING LOAN FUND, is referred to the Committee on Appropriations.

By Representatives Arnold, Hackney, Insko, Jeffus, Luebke, Preston, Sexton, Tolson, Warwick, and Watson:

H.B. 1428, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS FOR PROGRAMS TO SERVE LIMITED ENGLISH PROFICIENCY STUDENTS, is referred to the Committee on Appropriations.

By Representative C. Wilson:

H.B. 1429, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, is referred to the Committee on Insurance.

By Representative Culp:

H.B. 1430, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE PROGRAMS OF THE NATURAL RESOURCE LEADERSHIP INSTITUTE SPONSORED BY THE COOPERATIVE EXTENSION SERVICE AT NORTH CAROLINA STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Culp and Sexton:

H.B. 1431, A BILL TO BE ENTITLED AN ACT TO EXTEND BY SIX MONTHS THE DATE BY WHICH WELL CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS RECOMMENDED BY THE

ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on State Government.

By Representatives McMahan and Hurley:

H.B. 1432, A BILL TO BE ENTITLED AN ACT TO PERMIT MORE THAN TWO RAFFLES PER YEAR TO BE CONDUCTED BY EXEMPT ORGANIZATIONS IN CONJUNCTION WITH PROFESSIONAL SPORTING EVENTS, is referred to the Committee on Judiciary II.

By Representative Hill:

H.B. 1433, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Appropriations.

By Representatives Culp and Hill:

H.B. 1434, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATING TO ABANDONED ANIMAL WASTE MANAGEMENT SYSTEM LAGOONS AND THE PROPER CLOSURE OF THOSE LAGOONS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Culp and Gardner:

H.B. 1435, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY, is

referred to the Committee on Human Resources and, if favorable, to the Committee on Appropriations.

By Representative Ellis:

H.B. 1436, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE PAN-AMERICAN GAMES, is referred to the Committee on Appropriations.

By Representative Brawley:

H.B. 1437, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CERTAIN LOCAL PROJECTS IN IREDELL AND CATAWBA COUNTIES, is referred to the Committee on Appropriations.

By Representatives Eddins and Watson:

H.B. 1438, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representatives Alexander, Cunningham, Dickson, Easterling, Gulley, McMahan, and Rayfield:

H.B. 1439, A BILL TO BE ENTITLED AN ACT TO AMEND THE MECKLENBURG OCCUPANCY TAX AND PREPARED FOOD AND BEVERAGE TAX, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives McCrary and R. Hunter:

H.B. 1440, A BILL TO BE ENTITLED AN ACT TO RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES, is referred to the Committee on Judiciary I.

By Representatives McCrary and R. Hunter:

H.B. 1441, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ENFORCEMENT OF AN ORDER FOR RESTITUTION IN A CRIMINAL CASE IN THE SAME MANNER AS A CIVIL JUDGMENT, TO

CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF SUCH A JUDGMENT, AND TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN A CRIMINAL CASE, is referred to the Committee on Judiciary I.

By Representatives Mitchell, Hill, Tolson, and Warwick:

H.B. 1442, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Agriculture and, if favorable, to the Committee on Judiciary I.

By Representatives Mitchell and Hill:

H.B. 1443, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Finance.

By Representative Mitchell:

H.B. 1444, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CONSERVATION GRANT FUND AND TO APPROPRIATE FUNDS FOR TWO POSITIONS FOR THE CONSERVATION EASEMENTS PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Appropriations.

By Representative Black:

H.B. 1445, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, is referred to the Committee on Education.

By Representatives Howard and Berry:

H.B. 1446, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE BIOMETRIC IDENTIFICATION SYSTEM TO MAKE NECESSARY TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION, is referred to the Committee on Welfare Reform.

By Representative Wood:

H.B. 1447, A BILL TO BE ENTITLED AN ACT RELATING TO DEEP RIVER TOWNSHIP, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Preston and Redwine:

H.B. 1448, A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representatives Rogers, Alexander, Beall, Blue, Buchanan, Culp, Culpepper, Fox, Hill, H. Hunter, Hurley, Justus, McCombs, McCrary, Mercer, Mitchell, Mosley, Preston, Ramsey, Rayfield, Sexton, Tolson, Warner, Watson, and Weatherly:

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX MOTOR VEHICLES OWNED BY TOTALLY DISABLED VETERANS AND TO REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, is referred to the Committee on State Government and, if favorable, to the Committee on Finance.

By Representative Goodwin:

H.B. 1450, A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goodwin:

H.B. 1451, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY AND THE INCORPORATED MUNICIPALITIES

IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Goodwin:

H.B. 1452, A BILL TO BE ENTITLED AN ACT RELATING TO SCOTLAND COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Gardner and McCombs:

H.B. 1453, A BILL TO BE ENTITLED AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, is referred to the Committee on Local and Regional Government II.

By Representatives Cansler and Bowie:

H.B. 1454, A BILL TO BE ENTITLED AN ACT TO MAKE NECESSARY TECHNICAL CORRECTIONS TO CHAPTER 442 OF THE 1997 SESSION LAWS, "AN ACT TO ESTABLISH ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT", AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH OVERSIGHT COMMITTEE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Cansler and Bowie:

H.B. 1455, A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, is referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

By Representatives Justus and Sexton:

H.B. 1456, A BILL TO BE ENTITLED AN ACT TO ABOLISH EXECUTION BY LETHAL GAS AND TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS, is referred to the Committee on Judiciary I.

By Representatives Justus, Kiser, Thompson, and Watson:

H.B. 1457, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR THE REGULATION OF PRIVATE PRISONS HOUSING OUT-OF-STATE INMATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Justus and Watson:

H.B. 1458, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Justus, Sexton, and Watson:

H.B. 1459, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE "BE ACTIVE NORTH CAROLINA (BANC)" INITIATIVE AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Justus, Sexton, and Watson:

H.B. 1460, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT OF A CARDIOVASCULAR HEALTH DATA UNIT AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Sexton, Arnold, Cansler, Capps, Clary, Culp, Davis, Eddins, Gulley, Hardy, H. Hunter, Moore, Morris, Rayfield, Shubert, Warwick, and Weatherly:

H.B. 1461, A BILL TO BE ENTITLED AN ACT TO ALLOW A CREDIT AGAINST THE FRANCHISE TAX FOR PROPERTY TAXES PAID ON CONSTRUCTION IN PROGRESS, is referred to the Committee on Finance.

By Representative Culp:

H.B. 1462, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE EACH NEW SEPTIC TANK SYSTEM TO USE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO DEVELOP STANDARDS FOR THESE DEVICES, TO ADOPT THESE REQUIREMENTS AND STANDARDS BY TEMPORARY RULES, AND TO CONSIDER WHETHER, FOR SYSTEMS THAT USE THESE NEW DEVICES, THE CURRENT REQUIREMENT THAT THE SITE MUST INCLUDE A SEPARATE REPAIR AREA CAN BE AMENDED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment.

By Representative McMahan:

H.B. 1463, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PUBLIC ENTITIES TO PROTECT RIGHTS-OF-WAY FOR FUTURE PUBLIC TRANSIT DEVELOPMENT, is referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

By Representative McMahan:

H.B. 1464, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, is referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

By Representatives Earle, Adams, Aldridge, H. Hunter, Insko, Luebke, Mosley, Sexton, and Wainwright:

H.B. 1465, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY, is referred to the Committee on Human Resources and, if favorable, to the Committee on Finance.

By Representatives Baddour, Goodwin, and Neely:

H.B. 1466, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND TO EXTEND THE CIVIL PROCEDURE STUDY COMMISSION, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Appropriations.

By Representatives Mitchell and Hackney:

H.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO A NONREVERTING RESERVE FOR THE START-UP COSTS OF THE SOUTHERN DAIRY COMPACT COMMISSION AND THE INITIAL COSTS OF ADMINISTERING AND ENFORCING THE SOUTHERN DAIRY COMPACT AND TO PROVIDE FOR THE REPAYMENT OF THOSE FUNDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Agriculture and, if favorable, to the Committee on Appropriations.

By Representatives Russell, Hurley, Thompson, and Watson:

H.B. 1468, A BILL TO BE ENTITLED AN ACT CREATING THE COMMISSION TO REVIEW AND RESTRUCTURE ADMINISTRATION OF THE STATE PERSONNEL SYSTEM AND APPROPRIATING FUNDS TO THE GENERAL ASSEMBLY FOR THAT PURPOSE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sherrill, Hurley, Russell, and Thompson:

H.B. 1469, A BILL TO BE ENTITLED AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES, is referred to the Committee on State Government.

By Representatives Baddour, Hackney, Hardy and Neely, (Co-Sponsors); Dedmon, Goodwin, Gulley, Hurley, Insko, Morris, Rayfield, Sexton, Starnes, Warwick, and C. Wilson:

H.B. 1470, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A PILOT PROGRAM OF SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY ISSUES, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Appropriations.

By Representatives Howard, Berry, and Hill:

H.B. 1471, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CORRECTIONS TO THE WELFARE LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION, is referred to the Committee on Welfare Reform and, if favorable, to the Committee on Appropriations.

By Representative Hill:

H.B. 1472, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representatives Hill and Watson:

H.B. 1473, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representative McMahan:

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE OTHER TECHNICAL CHANGES, is referred to the Committee on Transportation and, if favorable, to the Committee on Judiciary II.

By Representative Redwine:

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Crawford, Bowie, Gardner, Hill, Hurley, Nye, and Watson:

H.B. 1476, A BILL TO BE ENTITLED AN ACT TO AMEND THE PHARMACY PRACTICE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMISSION, is referred to the Committee on Insurance.

By Representatives Arnold, Adams, and Watson:

H.B. 1477, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Arnold, Hurley, Justus, and Watson:

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS, is referred to the Committee on Education.

By Representatives Watson and McComas:

H.B. 1479, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATED TO THE PHASEOUT OF ANAEROBIC LAGOONS AND SPRAYFIELDS AS THE PRIMARY METHODS OF DISPOSING OF ANIMAL WASTE AT SWINE FARMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Watson and McComas:

H.B. 1480, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE FARMS ASSOCIATED WITH SWINE OPERATION INTEGRATORS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Judiciary I.

By Representative C. Wilson:

H.B. 1481, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING, is referred to the Committee on Transportation and, if favorable, to the Committee on Judiciary II.

By Representatives Bowie, Adams, Boyd-McIntyre, Decker, Jarrell, Jeffus, Sexton, and Wood:

H.B. 1482, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DETENTION CENTER IN GUILFORD COUNTY, is referred to the Committee on Appropriations.

By Representatives Mitchell, Hill, and Owens:

H.B. 1483, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CLASSIFY THE IMPACT OF LEAKING PETROLEUM UNDERGROUND STORAGE TANKS AS EITHER AB OR CDE AND TO PROVIDE THAT THE OWNER OR OPERATOR OF A LEAKING UNDERGROUND STORAGE TANK THAT HAS A CDE IMPACT SHALL NOT BE REQUIRED TO CLEAN UP THE DISCHARGE OR RELEASE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment.

By Representative Mitchell:

H.B. 1484, A BILL TO BE ENTITLED AN ACT TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, AS RECOMMENDED BY THE WATER QUALITY PROGRAMS FUNDING WORKING GROUP AND THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representatives Mitchell, Hill, and Owens:

H.B. 1485, A BILL TO BE ENTITLED AN ACT TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, AS RECOMMENDED BY THE WATER QUALITY PROGRAMS FUNDING WORKING GROUP, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CLASSIFY THE IMPACT OF LEAKING PETROLEUM UNDERGROUND STORAGE TANKS AS EITHER AB OR CDE, AND TO PROVIDE THAT THE OWNER OR OPERATOR OF A LEAKING UNDERGROUND STORAGE TANK THAT HAS A CDE IMPACT SHALL NOT BE REQUIRED TO CLEAN UP THE DISCHARGE OR RELEASE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representative Eddins:

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MONITOR AND MODEL THE NEUSE RIVER AND ESTUARY UNDER THE NEUSE RIVER MODELING AND MONITORING (MODMON) PROJECT, DEVELOP A HYDRODYNAMIC MODEL OF THE NEUSE WATERSHED, AND LINK THESE MODELS SO THAT THE EFFECTIVENESS OF CURRENT NUTRIENT MANAGEMENT STRATEGIES FOR THE NEUSE RIVER BASIN CAN BE DETERMINED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Appropriations.

By Representatives Arnold, Preston, and Sexton:

H.B. 1487 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS, is referred to the Committee on Education.

By Representatives Arnold and Preston:

H.B. 1488, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO

PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representative Neely:

H.B. 1489, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TAX OFFICIALS TO SHARE TAX INFORMATION TO FACILITATE COLLECTION OF VEHICLE RENTAL TAXES, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

By Representative Weatherly:

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment.

By Representatives Weatherly and Hackney:

H.B. 1491, A BILL TO BE ENTITLED AN ACT TO AMEND THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES TO ALLOW THE INDIVIDUAL INCOME TAXPAYER TO ADD BACK FOUR TIMES THE AMOUNT CLAIMED AS A CREDIT EACH TAX YEAR THE TAXPAYER CLAIMS A CREDIT, WHICH AMOUNT REPRESENTS THE PORTION OF THE FAIR MARKET VALUE OF THE DONATED PROPERTY INTEREST THAT REPRESENTS THE AMOUNT OF THE CREDIT CLAIMED FOR THAT TAX YEAR, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is referred to the Committee on Environment and, if favorable, to the Committee on Finance.

By Representatives Carpenter, Baker, Bonner, Buchanan, Goodwin, H. Hunter, R. Hunter, Owens, Preston, Russell, Sexton, Sherrill, Watson, and G. Wilson:

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS (1) FOR GRANTS, LOANS, AND

REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS AND LOANS TO NATURAL GAS LOCAL DISTRIBUTION COMPANIES AND OTHER PERSONS SEEKING A NATURAL GAS DISTRIBUTION FRANCHISE FOR CONSTRUCTION OF NATURAL GAS FACILITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Miner:

H.B. 1493, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, is referred to the Committee on Transportation and, if favorable, to the Committee on Judiciary I.

By Representative Mitchell:

H.B. 1494, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY EMPLOYEES, is referred to the Committee on Local and Regional Government II.

By Representatives Reynolds, Bowie, Cansler, Hurley, and Wright:

H.B. 1495, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE, is referred to the Committee on Insurance and, if favorable, to the Committee on Judiciary II.

By Representatives Hackney and Bowie (Co-Sponsors); Goodwin, Hurley, Justus, and Mosley:

H.B. 1496, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-

TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES AND CHILD CARE VEHICLES, AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER 21 YEARS OF AGE; AND TO ELIMINATE THE INFRACTION TREATMENT OF PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY A 19 OR 20 YEAR OLD AND TO MAKE CONFORMING CHANGES, is referred to the Committee on Judiciary II.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, is read the first time and referred to the Committee on State Government.

INTRODUCTION OF PAGES

Pages for the week of May 25 are introduced to the membership. They are: Robert Banks Basinger of Rowan; Lindsey Laughridge Davis of McDowell; Robert Ellis Davis of McDowell; Carrie Elizabeth Dunn of Duplin; Jennifer Lynn Elium of Rowan; Wade Raymond Finch of Nash; Amanda Goodson of Catawba; Lindsay Goodson of McDowell; James Auman Haltom of Richmond; Melissa Sue Herring of Wayne; Joanna D. Kinlaw of Robeson; Katie McKenzie of Wake; Billie Jo Mills of Catawba; Mary Elizabeth Mills of Catawba; Anne Taylor Newberry of Wake; Derrick Mark Preston of Rowan; Jennifer Louise Ragland of Pitt; Elton Maurice Roberts of Craven; Anna Kathryn Wells of Duplin; Charles T. Williams, III of Cumberland, and Elizabeth Leigh Williamson of Sampson.

Representative Morgan moves, seconded by Representative Yongue that the House adjourn, in memory of those Americans who made the supreme sacrifice in service of our country, at 7:22 p.m. to reconvene May 26 at 2:00 p.m.

ONE HUNDRED THIRTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, May 26, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, from You all things were created and from You, no secrets can be hidden. You spoke the world into order, and You established a relationship with all of humanity so that we might benefit from Your wonderful gift of love. Even when our love failed and we turned our backs on You; Your love for us remained steadfast, strong, and true. We are in awe at how incomprehensible Your love is for us. As we go about our daily lives conducting business as usual, may we remember Thy great love for us. May we hear Your sweet voice speaking to our hearts. May we forever be reminded that we stand in the shadow of somebody bigger. Incline Your ear to us, and grant us Your peace. In the Holy name of God, we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 25 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (106-0).

A leave of absence is granted Representative Hackney for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1394, ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS. (S.L. 1998-2)

S.B. 993, AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS. (S.L. 1998-3)

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Buchanan and Thompson:

H.B. 1497, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Morgan and Goodwin:

H.J.R. 1498, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Morgan:

H.B. 1499, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Cansler:

H.B. 1500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MANNA FOOD BANK FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY AND THE PURCHASE OF A TRUCK, is referred to the Committee on Appropriations.

By Representatives Cansler and Luebke:

H.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS, is referred to the Committee on Appropriations.

By Representatives Gray, Goodwin, and Sutton:

H.B. 1502, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Committee on Appropriations and, if favorable, to the Committee on Finance.

By Representative Gray:

H.B. 1503, A BILL TO BE ENTITLED AN ACT TO PROVIDE MOTOR FUEL TAX EQUITY TO FACILITATE THE USE OF CLEAN BURNING FUELS, is referred to the Committee on Finance.

By Representatives Sutton, Bonner, and Yongue:

H.B. 1504, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Sutton, Allen, Bonner, Hurley, and Yongue:

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY, is referred to the Committee on State Government and, if favorable, to the Committee on Appropriations.

By Representatives Sutton, Bonner, Goodwin, Hill, and Yongue:

H.B. 1506, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE SOUTHEASTERN NORTH CAROLINA AGRICULTURAL CENTER AND HORSE ARENA IN ROBESON COUNTY, is referred to the Committee on Appropriations.

By Representative Beall:

H.B. 1507, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-SECOND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Aldridge, Mercer, and Rogers:

H.B. 1508, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE PROPERTY WITHOUT THE OWNERS REQUEST, is referred to the Committee on Local and Regional Government I.

By Representative Nye:

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House

By Representative Nye:

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Nye:

H.B. 1511, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Beall:

H.B. 1512, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR COURT FACILITIES, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Finance.

By Representatives Brawley, Aldridge, Baker, Berry, Bowie, Brown, Buchanan, Cansler, Capps, Carpenter, Culp, Daughtry, Davis, Eddins, Gulley, Hardy, Hiatt, Howard, Hurley, Justus, Morgan, Morris, Nichols, Rayfield, Smith, Starnes, Weatherly, C. Wilson, and G. Wilson:

H.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE RETIREES THE $4,000 PENSION TAX EXEMPTION CURRENTLY ALLOWED TO PUBLIC RETIREES, is referred to the Committee on Finance.

By Representative Morgan:

H.B. 1514, A BILL TO BE ENTITLED AN ACT RELATING TO MOORE COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Beall:

H.B. 1515, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-SECOND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1126,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, is read the first time and referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

Representative Morgan moves, seconded by Representative Easterling that the House adjourn, in memory of former member of the North Carolina House of Representatives L. W. Locke, at 2:09 p.m. to reconvene May 27 at 2:00 p.m.

ONE HUNDRED AND THIRTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, May 27, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, You created us for the sole purpose of worshipping You. You called us into relationship with You out of Your great love and compassion for Your creation. Throughout history, we have become a diverse people, great in number and varied in philosophies and beliefs. Sometimes, this diversity makes it difficult for us to bring harmony and accord to the table.

"In Your great wisdom, O God, You knew that our diversity was, in fact, our greatest gift; for we must depend upon each other to help balance

the needs of our society. It is precisely our diversity that brings us closer to assuring equality among all of God's people. O God, whose wisdom is far beyond our understanding, help us to see more clearly that our strength, as those who have been entrusted with the care and well-being of Your people, can indeed be found in our differences and in the common compromise of our ideas. God, grant us Your mercy in all things. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 26 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (103-0).

Leaves of absence are granted Representatives Daughtry, Ellis, Redwine, and Wright for today.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

The Honorable Harold Brubaker
Speaker of the House
2301 Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker:

Pursuant to General Statute 62-10, I hereby appoint Samuel James Ervin, IV to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Ervin's term will begin immediately upon confirmation and will expire June 30, 1999.

Enclosed is biographical information on Mr. Ervin. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

S/ James B. Hunt, Jr.
Governor

The Speaker refers the letter to the Committee on Rules, Calendar, and Operations of the House.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1246, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1247, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1256, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1284, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, with a favorable report.

On motion of the Chair, pursuant to Rule 38, the bill is re-referred to the Committee on Finance.

H.B. 1288, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBERS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1289, A BILL TO BE ENTITLED AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC., ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED TO THAT ENTITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1306, A BILL TO BE ENTITLED AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY THE BOARD, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Berry for the Committee on Welfare Reform:

H.B. 1446, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE BIOMETRIC IDENTIFICATION SYSTEM TO MAKE NECESSARY TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1281, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar of May 28.

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE INITIATIVE AND REFERENDUM AUTHORITY OF CABARRUS COUNTY AND THE CITY OF CONCORD, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of May 28.

Senate Committee Substitute for **S.B. 845,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, WITH THE ASSISTANCE AND COOPERATION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE COSTS AND BENEFITS OF EXPANDING THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES, TO IMPROVE COMPLIANCE WITH THE CURRENT EMISSIONS INSPECTION AND MAINTENANCE PROGRAM, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHETHER THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM SHOULD BE TRANSFERRED FROM THE DIVISION OF MOTOR VEHICLES TO THE DIVISION OF AIR QUALITY, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

The House committee substitute bill is re-referred to the Committee on Appropriations. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE STATE SALES TAX ON FOOD, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

H.B. 1290, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representative Barbee (By Request):

H.B. 1516, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE RETIREMENT BENEFITS PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Appropriations.

By Representatives Bowie and Jeffus:

H.B. 1517, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO SUPPORT THE JOHN MOTLEY MOREHEAD MEMORIAL COMMISSION, is referred to the Committee on Appropriations.

By Representatives Eddins, Capps, and Watson:

H.B. 1518, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS, is referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

By Representative Ellis:

H.B. 1519, A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Ellis:

H.R. 1520, A HOUSE RESOLUTION AN ACT RELATING TO WAKE COUNTY AND THE INCORPORATED MUNICIPALITIES IN

THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Ives, Adams, Alexander, Goodwin, Hurley, Jeffus, Luebke, McCombs, Sherrill, Wainwright, and Watson:

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS THE FOR NORTH CAROLINA HUMANITIES COUNCIL, is referred to the Committee on Appropriations.

By Representative Miner:

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A PART-TIME TEACHER OR STATE EMPLOYEE AND TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A LOCAL GOVERNMENTAL EMPLOYEE, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Appropriations.

By Representatives Eddins and Capps:

H.B. 1523, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Church, Buchanan, Hill, and Thompson:

H.B. 1524, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING THAT OFFICE, is referred to the Committee on Local and Regional Government II.

By Representative Yongue:

H.B. 1525, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Pensions and Retirement.

By Representative Gulley:

H.B. 1526, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM GROSS PREMIUMS TAX CERTAIN NONPROFIT INSURANCE COMPANIES PROVIDING INSURANCE ONLY TO NONPROFIT ENTITIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Redwine:

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representative Redwine:

H.B. 1528, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION, is referred to the Committee on Finance.

By Representatives Brown and Culp:

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, is referred to the Committee on Agriculture and, if favorable, to the Committee on Finance.

By Representative C. Wilson:

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR NEW ADMINISTRATIVE LAW JUDGE POSITIONS, is referred to the Committee on Appropriations.

By Representatives Cansler and Sherrill:

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING AND STRENGTHEN COMMUNITIES, is referred to the Committee on Appropriations.

By Representative Crawford:

H.B. 1532, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE MODEL TEACHER EDUCATION CONSORTIUM, is referred to the Committee on Appropriations.

By Representatives Crawford and Hardaway:

H.B. 1533, A BILL TO BE ENTITLED AN ACT TO AFFECT THE HALIFAX-ROANOKE RAPIDS AIRPORT AUTHORITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Crawford:

H.B. 1534, A BILL TO BE ENTITLED AN ACT RELATING TO THE TWENTY-SECOND HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Brown and Carpenter:

H.B. 1535, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR STRUCTURAL PEST CONTROL ENFORCEMENT, is referred to the Committee on Appropriations.

By Representatives Brown and Carpenter:

H.B. 1536, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PESTICIDE AND FOOD LABORATORY EXPANSION, is referred to the Committee on Appropriations.

By Representative Allen:

H.B. 1537, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN PERSON COUNTY, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Judiciary I.

By Representatives Arnold and Tolson:

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT

PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Pensions and Retirement.

By Representatives H. Hunter, Goodwin, Jeffus, Rogers, and Wainwright:

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Wainwright and Nichols:

H.B. 1540, A BILL TO BE ENTITLED AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM, is referred to the Committee on Ways and Means.

By Representative Mitchell:

H.B. 1541, A BILL TO BE ENTITLED AN ACT TO ALLOW MITCHELL COMMUNITY COLLEGE TO USE THE PROCEEDS FROM THE SALE OF REAL ESTATE DONATED TO IT FOR THE PURPOSES INTENDED BY THE DONOR, is referred to the Committee on Local and Regional Government II.

By Representatives Mitchell, Black, Blue, Luebke, and Weatherly:

H.B. 1542, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR COMMUNITY SELF-HELP FOR ECONOMIC DEVELOPMENT PROJECTS, is referred to the Committee on Appropriations.

By Representatives Mitchell and Brown:

H.B. 1543, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF DEALERS IN POULTRY AND RATITES, TO PROHIBIT SPECIALTY MARKET OPERATORS FROM PERMITTING

UNREGISTERED POULTRY OR RATITE DEALERS FROM OPERATING AT SPECIALTY MARKETS, AND TO APPROPRIATE FUNDS FOR THE ENFORCEMENT OF THESE REGISTRATION REQUIREMENTS, is referred to the Committee on Agriculture and, if favorable, to the Committee on Appropriations.

By Representatives Gardner, Aldridge, Allen, Baker, Beall, Berry, Buchanan, Church, Crawford, Culpepper, Dickson, Fox, Goodwin, Howard, Hurley, Jarrell, Jeffus, McCombs, McCrary, Mitchell, Redwine, Russell, and Shubert:

H.B. 1544, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN CRIMINAL CASES IN THE GENERAL COURT OF JUSTICE, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Finance.

By Representatives Weatherly, Barbee, Bowie, Clary, Culp, Dedmon, Goodwin, Hall, Kiser, Mitchell, Russell, Sexton, and Sherrill:

H.B. 1545, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR INSPECTIONS AND ISSUANCE OF BRANDED TITLES FOR CERTAIN MOTOR VEHICLES, is referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

By Representatives Tolson and Rogers:

H.B. 1546, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Alexander, Allen, Black, Bonner, Church, Cole, Dickson, Earle, Easterling, Goodwin, Hill, Ives, Jeffus, Luebke, McMahan, Mosley, Nichols, Owens, Wainwright, Watson, G. Wilson, and Yongue:

H.B. 1547, A BILL TO BE ENTITLED AN ACT DIRECTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP AN EDUCATIONAL PROGRAM FOR PARENTS WHO ARE PARTIES TO A CUSTODY OR VISITATION ACTION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin, Adams, Baddour, Culpepper, Dedmon, Gardner, Hensley, R. Hunter, Hurley, Ives, Jeffus, McMahan, Moore, Rogers, Russell, Sutton, Wainwright, Weatherly, and Yongue:

H.B. 1548, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA FOR THE INTERNSHIP PROGRAM AT THE INSTITUTE OF GOVERNMENT, is referred to the Committee on Appropriations.

By Representative Owens:

H.B. 1549, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Judiciary I.

By Representatives Preston, Culpepper, Wainwright, and Watson:

H.B. 1550, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY THE NEED FOR MANDATORY BOATING SAFETY EDUCATION FOR RECREATIONAL BOATERS AND TO APPROPRIATE FUNDS TO IMPLEMENT THE STUDY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Russell:

H.B. 1551, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED OPERATION OF THE METHODIST HOME FOR CHILDREN'S "BRIDGES PROJECT", is referred to the Committee on Appropriations.

On motion of Representative Morgan, seconded by Representative Fox, the House adjourns at 2:19 p.m. to reconvene May 28 at 11:00 a.m.

ONE HUNDRED THIRTY- FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, May 28, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O God who is from everlasting to everlasting, Your goodness and grace is overwhelming. Your steadfast love for us is beyond our imagination. Your desire to be in a relationship with us is almost more than we can dream. O God of love and mercy, help us not to miss out on the opportunity to return our thanks for Your love. Keep us from rejecting Your constant moving and leading within and among us. Teach us how to be still and listen to You speaking to us, guiding us, embracing us, showing us how to love as You love, helping us to see what You see, and ultimately, surrendering our lives to Your Lordship and to Your sovereignty. Have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 27 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (91-0).

Leaves of absence are granted Representatives Cunningham, Dockham, Ives, Mercer, Nesbitt, Rogers, Watson, and Wainwright for today.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar and Operations of the House:

H.R. 1335, A HOUSE RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY, with recommendation that it be adopted.

Pursuant to Rule 36(a), the resolution is placed on the Calendar of June 1.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Insko, Allen, Cole, Crawford, Fox, Hackney, Hensley, Luebke, Michaux, Mitchell, Mosley, and Wainwright:

H.B. 1552, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UPPER NEUSE RIVER BASIN ASSOCIATION, INC., FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING A MODEL COOPERATIVE STATE-LOCAL WATER RESOURCES MANAGEMENT AND WATER QUALITY PROTECTION PLAN FOR THE UPPER NEUSE RIVER BASIN, is referred to the Committee on Environment and, if favorable, to the Committee on Appropriations.

By Representatives Brown, Carpenter, and Owens:

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER, is referred to the Committee on Agriculture and, if favorable, to the Committee on Appropriations.

By Representatives Hiatt, Baker, and G. Wilson:

H.B. 1554, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE, is referred to the Committee on Local and Regional Government II.

By Representative Mitchell:

H.B. 1555, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representative Davis:

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Arnold, Goodwin, Hurley, Luebke, Morris, Owens, Sexton, Thompson, Tolson, and Yongue:

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOW-WEALTH SCHOOL SYSTEMS' SUPPLEMENTAL FUNDING, is referred to the Committee on Appropriations.

By Representatives Daughtry, Creech, Hackney, Insko, and Owens:

H.B. 1558, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is referred to the Committee on Education.

By Representatives Neely and Goodwin:

H.J.R. 1559, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Mitchell, Baker, Buchanan, Cansler, Culp, Davis, Hackney, Hiatt, Justus, Kiser, Owens, Sexton, Sherrill, Tolson, G. Wilson, and Wood:

H.B. 1560, A BILL TO BE ENTITLED AN ACT TO PROVIDE ASSISTANCE FOR SMALL, FAMILY-OWNED FARMS THROUGH GRANTS AND LOANS, is referred to the Committee on Agriculture and, if favorable, to the Committee on Appropriations.

By Representatives Neely, Hurley, and Morris:

H.B. 1561, A BILL TO BE ENTITLED AN ACT TO REWRITE THE JUVENILE CODE TO UPDATE THE LAW ON ABUSE, NEGLECT, AND DEPENDENCY, TO CONFORM THIS LAW TO FEDERAL ADOPTION

LAW, TO INCORPORATE THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION ON JUVENILE CRIME AND JUSTICE INTO THE LAW ON UNDISCIPLINEDNESS AND DELINQUENCY, TO MAKE CONFORMING CHANGES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THESE CHANGES, is referred to the Committee on Judiciary II and, if favorable, to the Committee on Appropriations.

By Representatives Jeffus, Adams, Bonner, Sexton, and Wainwright:

H.B. 1562, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE USED TO RESURFACE THE DRIVES AND PARKING AREAS OF THE CENTRAL NORTH CAROLINA SCHOOL FOR THE DEAF, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams, Alexander, Cole, Jarrell, Luebke, Miller, Mosley, Sexton, and Yongue:

H.B. 1563, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTERNATIONAL BACCALAUREATE PROGRAM, is referred to the Committee on Appropriations.

By Representative Dockham:

H.B. 1564, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN LEASED VEHICLE SECURITY DEPOSITS FROM HIGHWAY USE TAX, is referred to the Committee on Commerce and, if favorable, to the Committee on Finance.

By Representatives Brown, Carpenter, Davis, and Tolson:

H.B. 1565, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESEARCH AND DEMONSTRATION OF ENVIRONMENTALLY SOUND FARMING PRACTICES, is referred to the Committee on Appropriations.

By Representatives Brown, Carpenter, Davis, Owens, and Tolson:

H.B. 1566, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MARKETING NORTH CAROLINA GROWN PRODUCTS, is referred to the Committee on Appropriations.

By Representative Hightower:

H.B. 1567, A BILL TO BE ENTITLED AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL ADVERTISING IN ANSON COUNTY, is referred to the Committee on Judiciary I.

By Representatives Yongue and Bonner:

H.B. 1568, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Ives, Sherrill and McCombs:

H.B. 1569, A BILL TO BE ENTITLED AN ACT TO IMPOSE THE INSURANCE REGULATORY CHARGE ON SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS, is referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

By Representatives Redwine and Hill:

H.B. 1570, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS, is referred to the Committee on Local and Regional Government I.

By Representative Hardy:

H.B. 1571, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN BEAUFORT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1572, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN BEAUFORT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1573, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1574, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1575, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1576, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN CRAVEN COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1577, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN PITT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW PROVIDING FOR HUNTING AND TRAPPING OF FOXES AND RACCOONS AND THE USE OF SNARES IN TRAPPING FUR-BEARING ANIMALS IN HYDE AND BEAUFORT COUNTIES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hightower and Goodwin:

H.B. 1579, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF MONTGOMERY TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE TO THE COUNTY OF MONTGOMERY, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Cansler, Hurley, and Sherrill:

H.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF GENETIC HEALTH CARE SERVICES TO ASSIST IN THE PREVENTION OF INFANT MORTALITY AND OTHER DISEASES AND DISABILITIES RELATED TO GENETIC DISORDERS, is referred to the Committee on Appropriations.

By Representative Redwine:

H.B. 1581, A BILL TO BE ENTITLED AN ACT RELATING TO BRUNSWICK COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hightower, Adams, Hensley, Luebke, Mosley, and Wainwright:

H.B. 1582, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1998, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS, is referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

By Representatives Ives and Justus:

H.B. 1583, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE STATE FOR DOMESTIC VIOLENCE PROGRAMS BE ADMINISTERED BY ONE STATE AGENCY, is referred to the Committee on Human Resources.

By Representatives Barbee (by request) and Kiser:

H.B. 1584, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Appropriations.

By Representative Barbee:

H.B. 1585, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LOCUST, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Barbee:

H.B. 1586, BILL TO BE ENTITLED AN ACT RELATING TO STANLY COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Barbee and Hightower:

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, is referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

By Representatives Dockham and Hardaway:

H.B. 1588, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO AMEND THE WORKERS' COMPENSATION ACT AND THE INSURANCE LAWS TO REVISE THE METHOD BY WHICH INSURANCE COMPANIES ARE ASSESSED, is referred to the Committee on Insurance and, if favorable, to the Committee on Appropriations.

By Representatives Dockham, Howard, McCrary, Thompson, and Wood:

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INMATE ROAD SQUADS IN DAVIDSON COUNTY SHALL WEAR UNIFORMS IDENTIFYING THEM AS INMATES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Dockham and Hardaway:

H.B. 1590, A BILL TO BE ENTITLED AN ACT TO REPEAL POLICY FORM FILING FEES AND HEALTH MAINTENANCE ORGANIZATION ANNUAL REPORT FEES; TO INCREASE CERTAIN COMPANY LICENSE RENEWAL FEES COLLECTED BY THE DEPARTMENT OF INSURANCE; AND TO MAKE NECESSARY

CHANGES IN INSURER FINANCE LAWS, is referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

By Representatives Insko and Hackney (Co-Sponsors); and Mosley:

H.B. 1591, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THAT COUNTY, is referred to the Committee on Ways and Means.

By Representatives Baker, Hiatt, and G. Wilson:

H.B. 1592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STOKES COUNTY MOUNTAIN RESCUE TEAM TO IMPLEMENT THE CARE TRAK SYSTEM IN AN ELEVEN COUNTY REGION, is referred to the Committee on Appropriations.

By Representatives Baker, Hiatt, and G. Wilson:

H.B. 1593, A BILL TO BE ENTITLED AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION, PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE NEEDS, is referred to the Committee on Local and Regional Government II.

By Representatives Weatherly, Clary, and Dedmon:

H.B. 1594, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF THE TOWN OF COLUMBUS FOR REPAYMENT OF ERRONEOUS FRANCHISE TAX DISTRIBUTIONS, is referred to the Committee on Finance.

By Representative McComas:

H.B. 1595, A BILL TO BE ENTITLED AN ACT ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, is referred to the Committee on Local and Regional Government I.

By Representative McComas:

H.B. 1596, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED, is referred to the Committee on Local and Regional Government I.

By Representative McComas:

H.B. 1597, A BILL TO BE ENTITLED AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE INCORPORATED MUNICIPALITIES IN THAT COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative McComas:

H.B. 1598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENABLE THE CUED SPEECH CENTER TO PROVIDE SERVICES TO HEARING IMPAIRED CHILDREN, is referred to the Committee on Appropriations.

By Representative McComas:

H.B. 1599, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NEW HANOVER COUNTY FOR CERTAIN PUBLIC PURPOSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McComas, Hill, and Wright:

H.B. 1600, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR PLANNING AND INITIAL DEVELOPMENT OF A REGIONAL PUBLIC SAFETY TRAINING CENTER AT THE NORTH CAMPUS OF THE CAPE FEAR COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives McComas, Hill, Redwine, and Sexton:

H.B. 1601, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STUDY OF THE REVENUE SOURCES OF THE NORTH CAROLINA STATE PORTS AUTHORITY AND TO CHANGE

THE LAW REGARDING THE STATE PORTS AUTHORITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Bonner, Sutton, and Yongue:

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Cansler, Nesbitt, and Sherrill:

H.B. 1603, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC., is referred to the Committee on Appropriations.

By Representatives Cansler, and Sherrill:

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND, is referred to the Committee on Appropriations.

By Representatives Cansler, Clary, Gardner, and Sherrill:

H.B. 1605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE STUDY OF THE STATE PSYCHIATRIC HOSPITALS, AND FOR ADVANCED PLANNING FOR A NEW PSYCHIATRIC HOSPITAL AT DOROTHEA DIX HOSPITAL, is referred to the Committee on Appropriations.

By Representatives Shubert, Barbee, and Tallent:

H.B. 1606, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE IN UNION COUNTY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representative Shubert:

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL LAWS IN UNION COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Shubert:

H.B. 1608, A BILL TO BE ENTITLED AN ACT RELATING TO UNION COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Shubert:

H.B. 1609, A BILL TO BE ENTITLED AN ACT RELATING TO UNION COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wainwright and Nichols:

H.B. 1610, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, is referred to the Committee on Ways and Means.

By Representatives Wainwright, Nichols, Preston, and Smith:

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE, is referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

By Representatives Cole and Allred:

H.B. 1612, A BILL TO BE ENTITLED AN ACT REGARDING ROCKINGHAM COUNTY AND GOVERNMENTAL UNITS LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Rogers, Hardaway, and Mercer:

H.B. 1613, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN COUNTY, is referred to the Committee on Local and Regional Government I.

By Representatives Sherrill, Cansler, Ives, and Nesbitt:

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION FUNDS FOR THE MEDIATION CENTER IN BUNCOMBE COUNTY, is referred to the Committee on Appropriations.

By Representatives Luebke, Capps, Michaux, Miller, and Mosley:

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Luebke, Capps, Michaux, Miller, and Mosley:

H.B. 1616, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Mitchell, Allred, Davis, and Hackney:

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FOR THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES, is referred to the Committee on Agriculture and, if favorable, to the Committee on Finance.

By Representatives Sexton and Allred:

H.B. 1618, A BILL TO BE ENTITLED AN ACT RELATING TO ROCKINGHAM COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Sexton and Allred:

H.B. 1619, A BILL TO BE ENTITLED AN ACT RELATING TO ROCKINGHAM COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Watson, Alexander, Earle, Jarrell, Jeffus, Mosley, and Sexton:

H.B. 1620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL NURSES, is referred to the Committee on Appropriations.

By Representatives Watson, Earle, and Hall:

H.B. 1621, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DEMONSTRATION PROGRAM FOR PERMITTING AND CLOSELY MONITORING ANIMAL WASTE MANAGEMENT SYSTEMS THAT DO NOT USE AN ANAEROBIC LAGOON FOR THE PRIMARY METHOD OF DISPOSING OF ANIMAL WASTE FOR THE PURPOSE OF IDENTIFYING OTHER FEASIBLE ANIMAL WASTE MANAGEMENT TECHNOLOGIES, is referred to the Committee on Environment and, if favorable, to the Committee on Appropriations.

By Representatives Watson and Braswell:

H.B. 1622, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE/ FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, is referred to the Committee on Local and Regional Government I.

By Representatives Alexander, Adams, Black, Bonner, Church, Clary, Dedmon, Easterling, Fox, Goodwin, Gulley, Hensley, Hurley, Jarrell, Jeffus, Kinney, Luebke, Miller, Morris, Oldham, Saunders, Thompson, Wainwright, Watson, and Yongue:

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTENSIVE FAMILY PRESERVATION PROGRAMS IN SIX ADDITIONAL COUNTIES, is referred to the Committee on Appropriations.

By Representatives Hardaway, Allen, and H. Hunter:

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE OCCONEECHEE GUT IN NORTHAMPTON COUNTY, is referred to the Committee on Local and Regional Government I.

By Representatives Hardaway, Allen, and Crawford:

H.B. 1625, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY, is referred to the Committee on Ways and Means.

By Representatives Hardaway, Allen, and Crawford:

H.B. 1626, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HALIFAX COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR CAPITAL PROJECTS OF THE COUNTY AND ITS MUNICIPALITIES, IF APPROVED BY THE VOTERS OF THE COUNTY, is referred to the Committee on Fina..ce.

By Representatives Hall and Davis:

H.B. 1627, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF A TEXTILE MUSEUM IN THE TOWN OF ERWIN IN HARNETT COUNTY, is referred to the Committee on Appropriations.

By Representatives Watson and Braswell:

H.B. 1628, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR A MULTIPURPOSE BUILDING FOR ECONOMIC DEVELOPMENT AND TRAINING PURPOSES IN THE TOWN OF WARSAW IN DUPLIN COUNTY, is referred to the Committee on Appropriations.

By Representative Culp:

H.B. 1629, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEBORO, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Culp:

H.B. 1630, A BILL TO BE ENTITLED AN ACT RELATING TO RANDOLPH COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McMahan and Earle:

H.B. 1631, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE WILLIAM STATES LEE LEADERSHIP INSTITUTE AND TO RENOVATE AND SUPPORT THE HISTORIC WHITE OAKS MANSION, is referred to the Committee on Appropriations.

By Representatives McMahan, Earle, Goodwin, and Hensley:

H.B. 1632, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION, PLANNING AND DESIGN OF TWO ACADEMIC FACILITIES AT THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, is referred to the Committee on Appropriations.

By Representative Buchanan:

H.B. 1633, A BILL TO BE ENTITLED AN ACT REGARDING MITCHELL COUNTY AND GOVERNMENTAL UNITS LOCATED THEREIN, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Reynolds, Grady, Preston, Russell, and Tolson (Co-Sponsors); and Adams, Alexander, Allen, Arnold, Baker, Beall, Berry, Bonner, Bowie, Braswell, Cansler, Carpenter, Clary, Cole, Crawford, Culpepper, Dedmon, Earle, Easterling, Fox, Gamble, Gardner, Goodwin, Hightower, Howard, H. Hunter, R. Hunter, Hurley, Jarrell, Jeffus, Justus, McAllister, McCrary, Moore, Mosley, Neely, Nye, Oldham, Owens, Ramsey, Rayfield, Rogers, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Warner, Warwick, Wood, and Yongue:

H.B. 1634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION BUDGET FUNDS FOR THE COMMUNITY COLLEGE SYSTEM, is referred to the Committee on Appropriations.

By Representatives Rogers and H. Hunter:

H.B. 1635, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ROANOKE-CHOWAN COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Warner, Hill, Jeffus, Sutton, Tolson, and Yongue:

H.B. 1636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF PERMITTING LOCAL BOARDS OF EDUCATION TO SELL ADVERTISING ON SCHOOL BUSES AND CERTAIN SCHOOL FACILITIES TO GENERATE REVENUES FOR PUBLIC SCHOOL FACILITY UPKEEP AND MAINTENANCE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Smith and Preston:

H.B. 1637, A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Smith and Preston:

H.B. 1638, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MOREHEAD CITY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Smith and Preston:

H.B. 1639, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NEWPORT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardaway:

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF THE HALIFAX COUNTY AND WELDON CITY BOARDS OF EDUCATION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardaway:

H.B. 1641, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF ENFIELD, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardaway:

H.B. 1642, A BILL TO BE ENTITLED AN ACT TO INCREASE THE COVERAGE OF INTERSTATE INTERCHANGE ECONOMIC DEVELOPMENT ZONES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hardaway and Wright:

H.B. 1643, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ANNUAL, WEEK-LONG SALES TAX MORATORIUM ON CERTAIN SHOES AND CLOTHING, is referred to the Committee on Finance.

By Representatives Hackney, Culp, Insko, and Mosley:

H.B. 1644, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY, is referred to the Committee on Commerce and, if favorable, to the Committee on Appropriations.

By Representatives Redwine and Hill:

H.B. 1645, A BILL TO BE ENTITLED AN ACT TO ALLOW BRUNSWICK COUNTY TO CREATE FIRE PROTECTION DISTRICTS IN WHICH FIRE PROTECTION IS FUNDED BY FEES RATHER THAN TAXES, is referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

By Representatives Allred, Adams, Cole, Luebke, and Mosley:

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF SEAT BELTS ON SCHOOL ACTIVITY BUSES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Nesbitt, Cansler, Ives, and Sherrill:

H.B. 1647, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH ORDINANCES ARE REVISED OR AMENDED, is referred to the Committee on Local and Regional Government II.

By Representatives Nesbitt, Cansler, Ives, and Sherrill:

H.B. 1648, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL GOVERNMENT UNITS ENTITLED TO SALES TAX REFUNDS RETAIN THE RIGHT TO REFUNDS WHEN ACTING THROUGH A JOINT AGENCY, is referred to the Committee on Finance.

By Representatives Carpenter, Brown, Culp, Jarrell, Jeffus, and Sexton:

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PIEDMONT TRIAD FARMERS MARKET, is referred to the Committee on Agriculture and, if favorable, to the Committee on Appropriations.

By Representatives Carpenter, Brown, Mosley, and Tolson:

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FOOD SAFETY, is referred to the Committee on Appropriations.

By Representatives Carpenter, Brown, Hackney, and Tolson:

H.B. 1651, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE REQUIRED TESTING OF ANIMAL WASTE IN ORDER TO PROTECT WATER QUALITY, is referred to the Committee on Appropriations.

By Representatives Carpenter, Brown, Kiser, and Tolson:

H.B. 1652, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MULTIFLORA ROSE CONTROL, is referred to the Committee on Appropriations.

By Representatives Carpenter, Brown, and Tolson:

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ERADICATION OF PSEUDORABIES, is referred to the Committee on Appropriations.

By Representative Insko:

H.B. 1654, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO ENTER INTO DEVELOPMENT AGREEMENTS WITH OWNERS OF LARGE TRACTS OF LAND

WITHIN THE TOWN AND ITS EXTRATERRITORIAL PLANNING JURISDICTION, is referred to the Committee on Ways and Means.

By Representative Baker:

H.B. 1655, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Baker:

H.B. 1656, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Baker:

H.B. 1657, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Baker:

H.B. 1658, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Baker:

H.B. 1659, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Miller, Luebke, Michaux, and Mosley:

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, is referred to the Committee on Local and Regional Government II.

By Representatives Miller and Luebke:

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES, is referred to the Committee on Local and Regional Government II.

By Representative Warwick:

H.B. 1662, A BILL TO BE ENTITLED AN ACT TO AMEND THE CLINTON FIREMEN'S RETIREMENT SYSTEM, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warwick:

H.B. 1663, A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warwick:

H.B. 1664, A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warwick:

H.B. 1665, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Warwick:

H.B. 1666, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Allred:

H.B. 1667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998, is referred to the Committee on Ways and Means.

By Representatives Hensley, Adams, Blue, Goodwin, and Mosley:

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF SCHOOL ADMINISTRATOR PROGRAMS THAT MAY BE ESTABLISHED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Russell and Hurley:

H.B. 1669, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO REQUIRE THAT THE DETERMINATION OF DISABILITY BE MADE BY THE PLAN'S MEDICAL BOARD AND TO MAKE CERTAIN OTHER CHANGES, is referred to the Committee on Pensions and Retirement and, if favorable, to the Committee on Appropriations.

CALENDAR

Action is taken on the following:

H.B. 1352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE INITIATIVE AND REFERENDUM AUTHORITY OF CABARRUS COUNTY AND THE CITY OF CONCORD, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.J.R. 1281, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

SUBCOMMITTEE REFERRAL

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers Committee Substitute for

S.B. 845, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS, to the Permanent Subcommittee on Education.

On motion of Representative Morgan, seconded by Representative Hiatt, the House adjourns at 11:31 a.m. to reconvene Monday, June 1, 1998, at 7:00 p.m.

ONE HUNDRED THIRTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, June 1, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Dr. Abraham Cox, United Methodist Church, Statesville, North Carolina.

"Merciful Lord - it is a privilege for us to be here to govern. To have a hand in ordering the politics of this State. Some days, it does not seem like a privilege. We get tired. Frustrated. Upset. Unable to please enough people consistently or even make good policy. Lord, if this is a privilege, help us for sure!

"But, in our hearts, we know this is something not everyone is called to do. For reasons even we do not understand, we have endured elections; raised money; made enemies; and left friends and family for months at a time to come to this place. Maybe there is a reason. A reason would make it bearable - maybe even holy.

"Help us, Lord, to do the best we can for ourselves and for our State - for thousands of children and senior citizens who we will never meet nor personally know. Even so, what we decide here will affect their ability to read and write; learn a carpenter's skill; pay their medical bills and drink safe water.

"We decide. We're given the privilege of some power. Something and someone depends on what we do here. Help us to do the best we can, even as we feel our frustration and our limits of what is possible. An actual

community/a real human being - all can be helped by what we decide, so we're a privileged lot. For some reason, You've sent us here. O Lord, on this side we'll never know the reason. Deal severely with our souls and comfort our bodies on this side. Our job is full of risks.

"You can lose a lot down here. Others don't understand. You do. You come out different - deformed in some way. We're so open to criticism and harsh judgment. Embolden us. Give us a heart not just for those who have much already, but give us a heart for those who are not heard.

For the 5 year old who stutters and has no help;
For the 4 year old who cries in day care because of rotting teeth
For the middle school student whose greatest fear is very often that she will be called on to read aloud.

"Help us to find a way to help a public school teacher who has too many at one time; a teacher who increasingly may be fearful of her students. Help our teacher, who in her heart considers it a privilege, not just a job, to teach. Maybe she even feels, as do some of us, as our better days, that she has been called by You, O God, to teach and to govern.

"Welcome to the club! - teacher! legislator! politician! governmental leader! We're all in it together. Maybe this is the ethical bottom line for us. Good politics is seeing and caring that we citizens flourish together or suffer together. We're in it together for better or worse. But, we have this very opportunity to see and give. As Your Book put it to the privileged, 'from those who have much, much is expected'. And You, O God, give us the power to see and care. You alone. It's too chaotic otherwise.

"Thank you, Merciful God, for giving us some worthy expectations. These expectations have honor faces. Thank You for reminding us of consequences as we 'put in and leave out'. Without You, we have no class. Without You, the highest bidder always wins.

"All of life is a gift from You, O God. So too is our life in this place - a privilege granted mysteriously by You. Draw us to You, O Lord. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of May 28 has been examined

and found correct. Upon his motion, the Journal is approved as written by electronic vote (104-0).

Leaves of absence are granted Representatives Cole, Dockham, Kinney, McAllister, and Morris for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Weatherly for the Committee on State Government:

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, with a favorable report and recommendation that the bill be re-referred to the Committee on Commerce.

The bill is re-referred to the Committee on Commerce.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC ENTITIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, with a favorable

report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Arnold, Grady, and Preston, Co-Chairs, for the Permanent Subcommittee on Education of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute for **S.B. 845,** A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS, with a favorable report, as amended.

Pursuant to Rule 36(a), the bill is placed on the Calendar for today.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

H.B. 1246, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW;

H.B. 1284, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION;

H.B. 1528, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION; and

House Committee Substitute for **S.B. 321,** A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations refers **H.B. 1505,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY, to the Permanent Subcommittee on General Government.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Thompson, Buchanan, R. Hunter, and Watson:

H.B. 1670, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES AT THE PENLAND SCHOOL OF CRAFTS, is referred to the Committee on Appropriations.

By Representatives Moore and Boyd-McIntyre, (Co-Sponsors); Adams, Baddour, Barbee, Blue, Bonner, Dedmon, Earle, Goodwin, Grady, Hensley, H. Hunter, Insko, Jarrell, Jeffus, Oldham, Preston, Russell, Saunders, Sexton, Shubert, Thompson, Wainwright, Warner, and Warwick:

H.B. 1671, A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR TEACHER ASSISTANT SALARY INCREASES AND TO MODIFY THE TERMS OF EMPLOYMENT FOR TEACHER ASSISTANTS, is referred to the Committee on Appropriations.

By Representatives Arnold, Sexton, Shubert, Watson, and Yongue:

H.B. 1672, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF PRINCIPALS AND ASSISTANT PRINCIPALS, is referred to the Committee on Appropriations.

By Representatives Arnold, Shubert, and Watson:

H.B. 1673, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF

ALL CERTIFIED PUBLIC SCHOOL EMPLOYEES, AND TO APPROPRIATE FUNDS TO DEVELOP EVALUATION INSTRUMENTS AND TO CREATE ASSESSMENT TEAMS, is referred to the Committee on Appropriations.

By Representatives Arnold, Sexton, Shubert, and Watson:

H.B. 1674, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING PRINCIPALS IN LOW-PERFORMING SCHOOLS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, AND TO PROVIDE FUNDS FOR STAFF DEVELOPMENT, is referred to the Committee on Appropriations.

By Representatives Morris, Hurley, Kinney, McAllister, Shubert, Warner, and Watson:

H.B. 1675, A BILL TO BE ENTITLED AN ACT TO ADJUST SCHOOL FUNDING FORMULAS TO REFLECT CHANGES IN AVERAGE DAILY MEMBERSHIP AND TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME, is referred to the Committee on Appropriations.

By Representatives Black, Hensley, H. Hunter, Luebke, Mercer, Mosley, Sexton, Shubert, Tolson, Wainwright, Warner, Warwick, Womble, and Yongue:

H.B. 1676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPENSATE TEACHERS FOR WORKING MORE DAYS IN ONE SCHOOL YEAR THAN IN THE PRIOR SCHOOL YEAR, is referred to the Committee on Appropriations.

By Representative Miner:

H.B. 1677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Miner and Mosley:

H.B. 1678, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE EXPLORIS CHILDREN'S MUSEUM ABOUT THE WORLD, is referred to the Committee on Appropriations.

By Representatives Gray, Bonner, Fox, Hensley, Insko, Jeffus, Oldham, Sexton, and Womble:

H.B. 1679, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESTORATION AND RECONSTRUCTION OF HISTORIC ST. PHILIPS CHURCH AND CONSTRUCTION OF THE NORTH CAROLINA HERITAGE EDUCATION CENTER AT OLD SALEM, is referred to the Committee on Appropriations.

By Representatives Warner, Baddour, Buchanan, Hall, Hardaway, Hensley, H. Hunter, Hurley, Redwine, Smith, and Wainwright:

H.B. 1680, A BILL TO BE ENTITLED AN ACT TO AMEND THE MAGISTRATES' PAY SCHEDULE ACCORDING TO COUNTY POPULATION, is referred to the Committee on Appropriations.

By Representatives Reynolds, Davis, Mosley, Shubert, and Tolson:

H.B. 1681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY TRUST FUND, is referred to the Committee on Appropriations.

By Representatives McComas, Davis, Goodwin, Hill, Nye, Redwine, Watson, and Wright:

H.B. 1682, A BILL TO BE ENTITLED AN ACT TO DESIGN, CONSTRUCT, AND EQUIP THE WATSON SCHOOL OF EDUCATION BUILDING AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON, is referred to the Committee on Appropriations.

By Representative Miller:

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Miller and Luebke:

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE TOBACCO MUSEUM AT THE DUKE HOMESTEAD STATE HISTORIC SITE, is referred to the Committee on Appropriations.

By Representatives Miller and Luebke:

H.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SENIOR PHARMASSIST PROGRAM IN DURHAM COUNTY, is referred to the Committee on Appropriations.

By Representatives Miller, Hackney, Insko, Luebke, and Mosley:

H.B. 1686, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENO RIVER STATE PARK, is referred to the Committee on Appropriations.

By Representatives Thompson and Sexton, (Co-Sponsors); Alexander, Baker, Barbee, Berry, Black, Bonner, Bowie, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dockham, Esposito, Goodwin, Grady, Gulley, Hall, Hardy, Hiatt, Howard, R. Hunter, Hurley, Insko, Justus, Kiser, McComas, McCombs, McCrary, McMahan, Miner, Mitchell, Moore, Morris, Neely, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sherrill, Shubert, Smith, Starnes, Tolson, Wainwright, Warner, Warwick, G. Wilson, Wood, and Yongue:

H.B. 1687, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DISASTER RELIEF TRUST FUND, is referred to the Committee on Appropriations.

By Representatives Gray, Bowie, Davis, Hardaway, H. Hunter, Mercer, Oldham, Rogers, Smith, Watson, and Womble:

H.B. 1688, A BILL TO BE ENTITLED AN ACT TO FURTHER PROMOTE DEVELOPMENT IN ALL AREAS OF THE STATE BY MODIFYING THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, CREATING STATE DEVELOPMENT ZONES, PROVIDING FUNDS FOR INFRASTRUCTURE IN RURAL AND LESS PROSPEROUS AREAS, AND ENCOURAGING DEVELOPMENT OF AIR COURIER HUBS, is referred to the Committee on Commerce and, if favorable, to the Committee on Finance.

By Representatives H. Hunter, Arnold, Barbee, Brown, Buchanan, Crawford, Culp, Dickson, Earle, Easterling, Gamble, Goodwin, Hackney, Hall, Hightower, Insko, Ives, Miller, Nye, Oldham, Owens, Redwine, Reynolds, Rogers, Wainwright, Warner, G. Wilson, Womble, and Wright:

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY, is referred to the Committee on Appropriations.

By Representatives Adams, Bonner, Boyd-McIntyre, Decker, Easterling, Goodwin, Hensley, H. Hunter, Hurley, Insko, Jarrell, Jeffus, McAllister, McCrary, Oldham, Wainwright, Watson, Womble, and Wood:

H.B. 1690, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR CAPITAL IMPROVEMENTS, LAND ACQUISITION, AND AGRICULTURAL RESEARCH AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY, is referred to the Committee on Appropriations.

By Representatives Adams, Alexander, Blue, Bonner, Boyd-McIntyre, Earle, Easterling, Fitch, Goodwin, Grady, Hackney, Hensley, H. Hunter, Insko, Jarrell, Jeffus, Luebke, McAllister, McCrary, Mosley, Nesbitt, Oldham, Sutton, Wainwright, and Womble:

H.B. 1691, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR THE CREATION OF AN INNOVATIVE PARENTING PROGRAM TO ASSIST SINGLE PARENTS IN COMPLETING THEIR EDUCATION AND BECOMING SELF-RELIANT, is referred to the Committee on Appropriations.

By Representatives Adams, Alexander, Boyd-McIntyre, Earle, Easterling, Goodwin, Hensley, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, Luebke, McAllister, McCrary, Oldham, Wainwright, Womble, and Wright:

H.B. 1692, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WELFARE WORK FIRST PROGRAM, TO MAKE IT MORE EQUITABLE AND UNIFORMLY APPLIED, AND TO APPROPRIATE FUNDS, is referred to the Committee on Appropriations.

By Representatives Baker, Culp, Davis, Gray, and Sherrill:

H.B. 1693, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEFINED CONTRIBUTION PENSION PLAN STUDY COMMISSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin, Adams, Alexander, Insko, Jarrell, Jeffus, Kinney, and Yongue:

H.B. 1694, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR THE ROOF OF THE HAMLET OPERA HOUSE, is referred to the Committee on Appropriations.

By Representatives Hurley, Adams, Alexander, Bonner, Kinney, McAllister, Morris, Tolson, Warner, and Yongue:

H.B. 1695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME, is referred to the Committee on Appropriations.

By Representatives Shubert, Allred, Arnold, Gardner, Grady, Howard, McCombs, Preston, Russell, Sexton, Watson, and Wood:

H.B. 1696, A BILL TO BE ENTITLED AN ACT TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS AND TO DIRECT THE STATE BOARD OF EDUCATION TO USE THE ADDITIONAL APPLICATION FEES TO OFFSET THE COST OF ADMINISTERING THE LAW REGARDING CHARTER SCHOOLS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wainwright, Mercer, and Watson:

H.B. 1697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ECONOMIC DEVELOPMENT PROJECTS IN JONES COUNTY, is referred to the Committee on Appropriations.

By Representatives Eddins and Goodwin:

H.B. 1698, A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE SERVICES COMMISSION TO CREATE A PROGRAM BY WHICH VOLUNTEER LEGISLATORS WOULD BE AVAILABLE

IN THE STATE LEGISLATIVE BUILDING BETWEEN LEGISLATIVE SESSIONS TO TALK TO GROUPS TOURING THE GENERAL ASSEMBLY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill and Redwine:

H.B. 1699, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIR BLUFF FOR EMERGENCY WATER AND SEWER REPAIRS, is referred to the Committee on Appropriations.

By Representatives Michaux, Adams, Baddour, Blue, Boyd-McIntyre, Easterling, Goodwin, Hackney, H. Hunter, R. Hunter, Jeffus, Luebke, McAllister, Mosley, Rogers, Wainwright, Warner, Womble, and Wright:

H.B. 1700, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE CAMPAIGN FINANCE LAWS AND TO APPROPRIATE FUNDS FOR ADMINISTRATION, is referred to the Committee on Election Law and Campaign Reform and, if favorable, to the Committee on Appropriations.

By Representatives Cole, Allred, and Reynolds:

H.B. 1701, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM IN ALAMANCE COUNTY TO DETERMINE THE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK RELEASE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives C. Wilson and Buchanan:

H.B. 1702, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT DOT REIMBURSE THE GENERAL FUND FOR SALES AND USE TAX REVENUE THAT IS NOT REALIZED BY THE FUND AS A RESULT OF THE DOT EXEMPTION FROM THE SALES AND USE TAX, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Hardy:

H.J.R. 1703, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A

BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SURVIVING CHILD OF A TESTATOR MAY DISSENT FROM THE TESTATOR'S WILL UNDER CERTAIN CIRCUMSTANCE, is referred to the Committee on Rules, Calendar, and Operations of the House

By Representatives Hardy, H. Hunter, Mitchell, and Preston:

H.B. 1704, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE REVITALIZATION OF HISTORIC WATERFRONT TOWNS, is referred to the Committee on Appropriations.

By Representative Esposito:

H.B. 1705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jarrell, Adams, Baddour, Goodwin, Hensley, Mosley, and Redwine:

H.B. 1706, A BILL TO BE ENTITLED AN ACT TO REQUIRE SEX OFFENDERS TO OBTAIN EVALUATION AND TREATMENT AT AREA MENTAL HEALTH CENTERS AS A SPECIAL CONDITION OF PROBATION, AND TO APPROPRIATE FUNDS THEREFOR, is referred to the Committee on Appropriations.

By Representatives Miner, Buchanan, Goodwin, Hackney, Hall, Insko, Mosley, and Warner:

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATE FUNDING RELATED TO SITING A LOW-LEVEL RADIOACTIVE WASTE FACILITY IN NORTH CAROLINA, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Blue, Adams, Goodwin, Hensley, H. Hunter, and Jarrell:

H.J.R. 1708, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Insko and Hackney:

H.B. 1709, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO RECYCLE YARD TRASH AND OTHER ORGANIC SOLID WASTE IN HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS, is referred to the Committee on Appropriations.

By Representatives Luebke and Earle (Co-Sponsors); Adams, Alexander, Bowie, Boyd-McIntyre, Clary, Dedmon, Easterling, Goodwin, Hackney, Hightower, Insko, Jarrell, Jeffus, Kinney, McAllister, Michaux, Miller, Miner, Moore, Mosley, Redwine, Rogers, Wainwright, Watson, C. Wilson, Wright, and Yongue:

H.B. 1710, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN STAFFING RATIOS FOR ADULT CARE HOMES AND TO APPROPRIATE FUNDS THEREFOR, is referred to the Committee on Appropriations.

By Representatives Earle and Luebke (Co-Sponsors); Adams, Alexander, Bowie, Boyd-McIntyre, Braswell, Clary, Dedmon, Easterling, Goodwin, Hackney, Hightower, Insko, Jarrell, Jeffus, Kinney, McAllister, Michaux, Miller, Miner, Moore, Mosley, Rogers, Wainwright, Watson, C. Wilson, Wright, and Yongue:

H.B. 1711, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE PERTAINING TO RATE-SETTING METHODS FOR ADULT CARE HOMES, TO REQUIRE STAFFING RATIOS FOR CERTAIN ADULT CARE HOMES, AND TO APPROPRIATE FUNDS FOR CERTAIN STAFFING REQUIREMENTS, is referred to the Committee on Appropriations.

By Representatives Berry and Howard:

H.B. 1712, A BILL TO BE ENTITLED AN ACT CENTRALIZING WITHIN THE EMPLOYMENT SECURITY COMMISSION THE EMPLOYMENT TRAINING FUNCTIONS OF THE DEPARTMENT OF COMMERCE AND ESTABLISHING THE NORTH CAROLINA WORKERS' PREPAREDNESS COUNCIL, is referred to the Committee on Commerce.

By Representatives Justus and Sexton:

H.B. 1713, A BILL TO BE ENTITLED AN ACT CONCERNING RECIPROCITY BETWEEN STATES AFFECTING THE STATE BUDGET, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Decker, Aldridge, Allred, Cansler, Capps, Davis, Hardy, Justus, Russell, Sherrill, Shubert, Warner, and Watson:

H.B. 1714, A BILL TO BE ENTITLED AN ACT TO REDUCE INCOME TAXES FOR MARRIED COUPLES, is referred to the Committee on Finance.

By Representatives Cole, Alexander, Bonner, Davis, Dedmon, Hardy, Hurley, Insko, Jeffus, Mercer, Mosley, Russell, Shubert, Tolson, Wainwright, Warwick, and Watson:

H.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE VOLUNTEER FIRE DEPARTMENT AND VOLUNTEER RESCUE/EMS FUNDS AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, is referred to the Committee on Appropriations.

By Representatives Boyd-McIntyre and Russell, (Co-Sponsors); Adams, Aldridge, Alexander, Blue, Bonner, Bowie, Capps, Clary, Cole, Creech, Davis, Dedmon, Earle, Easterling, Gamble, Goodwin, Grady, Gray, Hackney, Hall, Hardaway, Hightower, R. Hunter, Hurley, Insko, Jarrell, Jeffus, Luebke, McAllister, McMahan, Michaux, Mosley, Oldham, Preston, Saunders, Sexton, Sherrill, Sutton, Tolson, Wainwright, Warner, Watson, C. Wilson, Womble, and Wright:

H.B. 1716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUING WORK OF THE OSTEOPOROSIS TASK FORCE, is referred to the Committee on Appropriations.

By Representatives Hardy, Aldridge, Allred, Capps, Shubert, and Watson:

H.B. 1717, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MEDICAL SAVINGS ACCOUNT PLANS THE CONTRIBUTIONS TO WHICH ARE DEDUCTIBLE FROM STATE TAXES UNDER CERTAIN CIRCUMSTANCES, is referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

By Representatives Hardy and Mercer:

H.B. 1718, A BILL TO BE ENTITLED AN ACT TO ADD BEAUFORT COUNTY TO THE BEAVER DAMAGE CONTROL PROGRAM AND TO APPROPRIATE FUNDS TO CONTINUE THE BEAVER DAMAGE CONTROL PROGRAM, is referred to the Committee on Appropriations.

By Representatives Jeffus, Adams, Boyd-McIntyre, Davis, Fox, Gamble, Hall, Hensley, Insko, Jarrell, Luebke, Oldham, Shubert, Wainwright, Warner, and Yongue:

H.B. 1719, A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS, is referred to the Committee on Education and, if favorable, to the Committee on Appropriations.

By Representatives Culpepper, Warner, and Watson:

H.B. 1720, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO APPROPRIATE FUNDS THEREFOR, is referred to the Committee on Appropriations.

By Representatives Hardaway and H. Hunter:

H.B. 1721, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF DEVELOPING A STATE PARK IN THE AREA OF LAKE GASTON IN HALIFAX COUNTY, is referred to the Committee on Appropriations.

By Representative Hardaway:

H.B. 1722, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE MEDOC MOUNTAIN STATE PARK LOCATED IN HALIFAX COUNTY, is referred to the Committee on Appropriations.

By Representatives Hardaway and Hall:

H.B. 1723, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY INCREASE TO TEACHERS IN

LOW-PERFORMING SCHOOLS THAT ARE ASSIGNED ASSISTANCE TEAMS, is referred to the Committee on Appropriations.

By Representatives Hardaway, Bonner, and H. Hunter:

H.B. 1724, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A COMMISSION TO STUDY THE CONTRIBUTIONS OF BLACK TROOPS FROM NORTH CAROLINA IN THE AMERICAN CIVIL WAR AND OTHER CONFLICTS AND TO DEVELOP PLANS FOR THE APPROPRIATE COMMEMORATION OF THE CONTRIBUTIONS OF THOSE TROOPS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Redwine, Bowie, Dedmon, Easterling, Goodwin, Hensley, Hurley, Insko, Mosley, Shubert, and Warner:

H.J.R. 1725, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DOMESTIC CRIMINAL TRESPASS IF THE PERSON COMMITTING THE TRESPASS IS ARMED WITH A DEADLY WEAPON, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Davis and Hall (Co-Sponsors); Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dickson, Dockham, Easterling, Eddins, Esposito, Fox, Gamble, Gardner, Goodwin, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Howard, H. Hunter, R. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morris, Mosley, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue:

H.B. 1726, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GENERAL WILLIAM C. LEE MEMORIAL COMMISSION, INC., FOR THE ESTABLISHMENT OF A MILITARY MUSEUM, is referred to the Committee on Appropriations.

By Representatives Davis, Aldridge, Capps, Eddins, McCrary, Sexton, and Warwick:

H.B. 1727, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF ARCHIVES AND HISTORY FOR A MILITARY ARCHIVES TO COLLECT HISTORICAL DATA AND INFORMATION ON NORTH CAROLINA MILITARY VETERANS, is referred to the Committee on Appropriations.

By Representatives Davis and Capps:

H.B. 1728, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE REVIEW THE MAKEUP, FUNCTIONING, AND EFFECTIVENESS OF THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OF THE CHILD CARE COMMISSION, AND TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Warwick and Warner:

H.B. 1729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROSEBORO FOR RENOVATION AND RESTORATION PROJECTS, is referred to the Committee on Appropriations.

By Representatives Warwick, H. Hunter, and Tolson:

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BILINGUAL TEACHER ASSISTANT DEMONSTRATION PROGRAM, is referred to the Committee on Appropriations.

By Representative Warwick:

H.B. 1731, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF SALEMBURG FOR RENOVATION AND RESTORATION PROJECTS, is referred to the Committee on Appropriations.

By Representatives Warwick and Watson:

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RENOVATION AND RESTORATION PROJECTS OF THE

TOWNS ON TOPSAIL ISLAND, is referred to the Committee on Appropriations.

By Representatives Eddins, Aldridge, Capps, Warner, and Watson:

H.B. 1733, A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, is referred to the Committee on Appropriations.

By Representatives Eddins, Aldridge, Capps, Hardy, Shubert, Warner, and Watson:

H.B. 1734, A BILL TO BE ENTITLED AN ACT TO REQUIRE A JUDGE PRESIDING IN A CAPITAL TRIAL TO INSTRUCT THE SENTENCING JURY REGARDING THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Hill, Redwine, and Wright:

H.B. 1735, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ECONOMIC DEVELOPMENT IN COLUMBUS COUNTY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Davis:

H.B. 1736, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR PROJECT CLOSE UP CONDUCTED BY NORTH CAROLINA CITIZENSHIP EDUCATION, INC., is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Dickson:

H.B. 1737, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL

CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE AUTHORITY OF THE BOARD OF GOVERNORS WITH REGARD TO CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS PROPERTY, AND TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND SERVICE CHARGE, is referred to the Committee on Finance.

By Representatives Kiser, Bonner, Davis, Dedmon, Hurley, Mosley, Sexton, Sherrill, Shubert, and Warner:

H.J.R. 1738, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE OR ESTABLISH CRIMINAL AND CIVIL PENALTIES FOR THE OFFENSES OF SELLING DRUGS TO A MINOR, HIRING OR INTENTIONALLY USING A MINOR TO COMMIT A DRUG LAW VIOLATION, AND PURCHASING OR RECEIVING DRUGS FROM A MINOR, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Daughtry, Cansler, Davis, Sexton, Sherrill, and Shubert:

H.B. 1739, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, is referred to the Committee on Education and, if favorable, to the Committee on Pensions and Retirement.

By Representatives Tolson, Preston, Grady, and Russell, (Co-Sponsors); Bonner, H. Hunter, Jeffus, Mercer, Sexton, Shubert, Smith, Warner, and Yongue:

H.B. 1740, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGE SYSTEM FOR REPAIRS AND RENOVATIONS, is referred to the Committee on Appropriations.

By Representatives Nesbitt, Cansler, Ives, and Sherrill:

H.B. 1741, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF A BUILDING AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE, is referred to the Committee on Appropriations.

By Representatives Nesbitt, Cansler, Ives, Jarrell, and Sherrill:

H.B. 1742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BLUE RIDGE AREA MENTAL HEALTH CENTER TO INCREASE CONTRACTED BED UTILIZATION AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC., is referred to the Committee on Appropriations.

By Representatives Daughtry, Allred, Davis, and Shubert:

H.B. 1743, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THERE ARE COMPETITIVE PRICES FOR STUDENT TEXTBOOKS AND OTHER EDUCATIONAL MATERIALS AND TO AMEND THE LAW DIRECTLY AND PRIMARILY AFFECTING THE STATE BUDGET FOR FISCAL YEAR 1998-99, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Goodwin, Adams, Alexander, Fox, Hurley, Jarrell, Jeffus, Mosley, Shubert, and Warwick:

H.B. 1744, A BILL TO BE ENTITLED AN ACT TO IMPOSE LIABILITY ON THOSE WHO TRANSMIT UNSOLICITED ITEMS OF ELECTRONIC MAIL THAT INCLUDE ADVERTISEMENTS (SPAM), is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representative Earle:

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright, Adams, Blue, Boyd-McIntyre, Earle, Fitch, Hackney, Hardaway, H. Hunter, Kinney, Luebke, McAllister, Michaux, Mosley, Oldham, Wainwright, Womble, and Yongue:

H.B. 1746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS, is referred to the Committee on Appropriations.

By Representative Wood:

H.B. 1747, A BILL TO BE ENTITLED AN ACT TO SAY THAT THE JUDICIAL BRANCH SHALL NOT IMPOSE ON THE LEGISLATIVE OR EXECUTIVE BRANCHES OF GOVERNMENT A STRICTER TIMETABLE FOR COMPLIANCE WITH AN ORDER OF THE COURT THAN THE JUDICIAL BRANCH TOOK TO RESOLVE THE CASE FROM FILING OF THE CASE TO THE FINAL ORDER, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Creech and Buchanan:

H.B. 1748, A BILL TO BE ENTITLED AN ACT TO PROMOTE FAIRNESS, STABILITY, AND PREDICTABILITY OF THE REVENUE LAWS BY PROVIDING THAT FOREIGN CORPORATIONS THAT DO NOT HAVE A SUBSTANTIAL PHYSICAL PRESENCE IN THIS STATE ARE NOT SUBJECT TO CORPORATE INCOME TAX, is referred to the Committee on Finance.

By Representatives Creech and Buchanan:

H.B. 1749, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLES STATUTES, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Wright, Hill, Nye, and Redwine:

H.B. 1750, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF WILMINGTON TO BE ALLOCATED TO THE SOUTHEASTERN CONVENTION COMMISSION FOR PLANNING A CONVENTION CENTER IN SOUTHEASTERN NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representative Wood:

H.B. 1751, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE LIFEBOAT SCHOLARSHIPS TO STUDENTS ASSIGNED TO THE LOW-PERFORMING SCHOOLS THAT HAVE

STATE ASSISTANCE TEAMS, is referred to the Committee on Appropriations.

By Representatives Wood, Allred, and Shubert:

H.B. 1752, A BILL TO BE ENTITLED AN ACT TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM MAKING TRAFFIC STOPS AT NIGHT IN UNMARKED VEHICLES, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.R. 1335, A HOUSE RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY.

The resolution is adopted, by electronic vote (107-0), and ordered printed.

H.B. 1247, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1256, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1288, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBERS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1289, A BILL TO BE ENTITLED AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC., ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED TO THAT ENTITY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1306, A BILL TO BE ENTITLED AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY THE BOARD, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1290, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

House Committee Substitute for **S.B. 845,** A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS.

On motion of Representative Daughtry, Committee Amendment No. 1 is adopted by electronic vote (107-0).

Representative Daughtry offers Amendment No. 2 which is adopted by electronic vote (106-0).

The bill, as amended, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

INTRODUCTION OF PAGES

Pages for the week of June 1 are introduced to the membership. They are: Audrey Elizabeth Bartlett of Lenoir; Alicia Denise Burchette of Franklin; Adam Michael Easley of Wayne; Layla Goin of Davie; Lucy Cooper Gray of Vance; Steven Joshua Green of Cumberland; Walter Evans Kistler, IV of Wake; Nora Virginia Macha of Wayne; Thomas C. Martin of Davidson; Kellen Christopher Mollahan of Onslow; Amanda Dawn Musgrove of Granville; Sarah Mei-Lin Owens of Rutherford; Stephanie Diane Owens of Burke; Wylie Fort Parker, II of Wayne; Farrah Dyan Pickett of Hoke; Justin Tatum Plummer of Forsyth; Patrick Reynard Plummer of Forsyth; Jamie Christine Pritchard of Wayne; David Pritchett of Craven; Natalie Nicole Sanders of Johnston; Forrest Dustin Secosky of Craven; Daniel Shusko of Onslow; Curtis Alan Spencer of Catawba; Stephanie LeAnne Starnes of Catawba; Lindsey Renee Tilley of Alexander; Nathan Edwin Triche of Stokes; Nicole Lynn Vroom of Onslow; and Elizabeth Ann Williams of Granville.

Representative Morgan moves, seconded by Representative Esposito, that the House adjourn, subject to the ratification of bills, to reconvene June 2 at 1:00 p.m.

The motion carries.

No bills being presented for ratification, the House stands adjourned at 7:33 p.m.

ONE HUNDRED THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 2, 1998

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, You, and You alone, are sovereign, perfect, and without sin. There are none among us who are without sin. And, it is only through Your mercy and grace that we can find forgiveness. Gossip, slander, vengeance, judgment, and pride are but a few of the many sins that we use to participate in the divisions that separate us as people of God. Unfortunately, no one, not even those of us in this chamber, are above these temptations. We need our hearts to be clean and our motivations to be pure so that we can move forward and better serve the needs of Your people for whose lives You have entrusted us to care. God of mercy, help us to always be aware of our own need for forgiveness so that we are not blinded by conceit when looking upon the sins of others. And, so, in prayerful humility, we ask for You to forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation. And, deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 1 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (98-0).

A leave of absence is granted Representative Wood for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1319, A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 3.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1261, A BILL TO BE ENTITLED AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 3.

H.B. 1277, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement.

The bill is re-referred to the Committee on Pensions and Retirement.

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FRANCHISED NATURAL GAS DISTRIBUTION COMPANY THAT IS NOT PROVIDING SERVICE TO AT LEAST SOME PORTION OF CAMDEN, CURRITUCK, DARE, OR TYRRELL COUNTIES BY JULY 1,1998, SHALL LOSE ITS EXCLUSIVE FRANCHISE RIGHTS TO THE COUNTY NOT BEING SERVED, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 3.

H.B. 1336, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW LOCAL ABC SYSTEM, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 3.

H.B. 1508, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE

PROPERTY WITHOUT THE OWNERS REQUEST, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 3.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Womble, Decker, Esposito, Gray, Oldham, and Sexton:

H.J.R. 1753, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KENNETH R. WILLIAMS, ONE OF WINSTON-SALEM'S MOST PROMINENT CITIZENS, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.J.R. 1189,** A JOINT RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Weatherly for the Committee on State Government:

H.B. 1260, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as

to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1446,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE BIOMETRIC IDENTIFICATION SYSTEM TO MAKE NECESSARY TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION.

On motion of the Chair and without objection, the bill is withdrawn from today's Calendar and placed on the Calendar of June 3.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1092,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE STATE SALES TAX ON FOOD, TO ELIMINATE THE STATE'S INHERITANCE TAX AND RETAIN A STATE ESTATE TAX EQUAL TO THE FEDERAL STATE DEATH TAX CREDIT, TO INCREASE AND INDEX THE INDIVIDUAL INCOME TAX PERSONAL EXEMPTION AMOUNT, TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION AMOUNT AND INCOME ELIGIBILITY AMOUNT AND REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, TO EXPAND THE STATE CORPORATE INCOME TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS, TO INCREASE THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS, AND TO REPEAL THE GIFT TAX, passes its second reading, by electronic vote (117-2), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

REPORTS OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following reports from standing committee are presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

Committee Substitute for **S.B. 1126,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers Committee Substitute for **H.B. 1260,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS, to the Permanent Subcommittee on General Government.

ENROLLED BILL

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1281, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE. (RESOLUTION 34)

RE-REFERRALS

On motion of Representative Morgan, **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, is withdrawn from the Committee on Judiciary I and re-referred to the Committee on State Government.

On motion of Representative Morgan, **H.B. 1688,** A BILL TO BE ENTITLED AN ACT TO FURTHER PROMOTE DEVELOPMENT IN ALL AREAS OF THE STATE BY MODIFYING THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, CREATING STATE DEVELOPMENT ZONES, PROVIDING FUNDS FOR INFRASTRUCTURE IN RURAL AND LESS PROSPEROUS AREAS, AND ENCOURAGING DEVELOPMENT OF AIR COURIER HUBS, is withdrawn from the Committee on Commerce and re-referred to the Committee on Finance.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 1:38 p.m. to reconvene June 3 at 2:00 p.m.

ONE HUNDRED THIRTY EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 3, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, who are we that You would care about what we do? Who are we that You would lend us Your ear, offer us Your hand, tender us Your wisdom? You are God, and we are people who, more often than not, choose our own ways over Yours. We are people who would much rather act without asking for Your leadership. Who are You? And, why would You choose to linger around in the background patiently waiting for us to come to our senses and turn our attention heavenward?

"O God of patience and understanding, help us to see and to realize that You are a God who is in love with His creation. Help us to know that You are a God who yearns for Your people's attention. Teach us to be still and search our hearts for Your divine whisper. Create within each one of us a renewed desire to respond to Your grace, to Your gentle tapping on our heart's door, and to Your all-encompassing love that removes our iniquity and replaces it with a heart that is pure.

"It is only through Thy loving mercy and grace, we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 2 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (96-0).

Leaves of absence are granted Representatives Hardaway and R. Hunter for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, with recommendation that the House do not concur.

The bill is placed on the Calendar of June 4.

S.B. 186, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

The committee substitute changes the bill from local to public.

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1251, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE PRIVILEGE TAX ON GROSS RECEIPTS FROM MOTION PICTURE SHOWS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1367, A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1374, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO CAN REPRESENT A TAXPAYER BEFORE THE COUNTY BOARD OF EQUALIZATION, TO CLARIFY THAT A HEARING BEFORE THE PROPERTY TAXES COMMISSION IS DE NOVO, AND

TO ALLOW A COUNTY TO PRORATE PROPERTY TAX ON A MOTOR VEHICLE WHEN THE OWNER SURRENDERS THE VEHICLE'S LICENSE PLATE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1422, A BILL TO BE ENTITLED AN ACT TO REMOVE UNCONSTITUTIONAL RESTRICTIONS ON INDIVIDUAL INCOME TAX CREDITS FOR CHILD CARE AND FOR CONSTRUCTING DWELLINGS FOR THE HANDICAPPED, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1369, A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT, with a favorable report as to committee substitute bill unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1254, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY OF TRANSYLVANIA MAY USE CERTAIN LANDS FOR LIBRARY PURPOSES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1264, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER, CALDWELL, AND MITCHELL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, with a favorable report.

On motion of the Chair, pursuant to Rule 38, the bill is re-referred to the Committee on Finance.

H.B. 1274, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1338, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE OPERATION OF PERSONAL WATERCRAFT, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Ives, McCombs, and Sherrill, Co-Chairs, for the Permanent Subcommittee on General Government of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1260,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS AND TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRALS

Representatives Russell and Shubert, Co-Chairs for the Standing Committee on Education, refer:

H.B. 1345, A BILL TO BE ENTITLED AN ACT TO REVISE THE ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR COMMUNITY COLLEGES, to the Permanent Subcommittee on Community Colleges;

H.B. 1606, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE IN UNION COUNTY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, to the Permanent Subcommittee on Community Colleges;

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE FLEXIBILITY, to the Permanent Subcommittee on Pre-School, Elementary, and Secondary Education;

H.B. 1426, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325, to the Permanent Subcommittee on Pre-School, Elementary, and Secondary Education;

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS,

to the Permanent Subcommittee on Pre-School, Elementary, and Secondary Education;

H.B. 1488, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS, to the Permanent Subcommittee on Pre-School, Elementary, and Secondary Education; and

H.B. 1558, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, to the Permanent Subcommittee on Pre-School, Elementary, and Secondary Education.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations refers **S.B. 475,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, to the Permanent Subcommittee on General Government.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative McMahan:

H.J.R. 1754, A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1123, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

BILLS CALENDARED

Pursuant to Rule 36(a), Representative Morgan places the following bills on today's Calendar:

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD, and

S.B. 1126, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT.

CALENDAR

Action is taken on the following:

H.B. 1328, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FRANCHISED NATURAL GAS DISTRIBUTION COMPANY THAT IS NOT PROVIDING SERVICE TO AT LEAST SOME PORTION OF CAMDEN, CURRITUCK, DARE, OR TYRRELL COUNTIES BY JULY 1,1998, SHALL LOSE ITS EXCLUSIVE FRANCHISE RIGHTS TO THE COUNTY NOT BEING SERVED, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1336, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW LOCAL ABC SYSTEM, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

H.B. 1508, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE PROPERTY WITHOUT THE OWNERS REQUEST.

On motion of Representative Aldridge and without objection, the bill is withdrawn from today's Calendar and placed on the Calendar for June 8.

Committee Substitute for **H.B. 1446,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE BIOMETRIC IDENTIFICATION SYSTEM TO MAKE NECESSARY TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION.

On motion of Representative Howard and without objection, the bill is withdrawn from the Calendar and re-referred to the Committee on Welfare Reform.

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY, passes its second reading, by electronic vote (115-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1261, A BILL TO BE ENTITLED AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1126,** A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF CERTIFIED PUBLIC SCHOOL EMPLOYEES IN ALL LOW-PERFORMING SCHOOLS, AND TO CREATE ASSESSMENT TEAMS.

Representative Davis offers Amendment No. 1 which is adopted by electronic vote (70-45).

Representative Baker offers Amendment No. 2 which fails of adoption by electronic vote (11-101).

The bill, as amended, passes its second reading, by electronic vote (107-6), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.J.R. 1224,** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. OLLIE HARRIS, FORMER MEMBER OF THE GENERAL ASSEMBLY.

On motion of Representative Morgan and without objection, the rules are suspended and the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1318, A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Representative Morgan moves, seconded by Representative Owens, that the House adjourn, subject to the receipt of Committee Reports, to reconvene June 4 at 11:00 a.m.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1754, A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 4.

The House stands adjourned at 4:28 p.m.

ONE HUNDRED THIRTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, June 4, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Eternal God, Giver of every good and perfect gift, thank You for today and for all the hope that comes with our renewed opportunities for service, for work, and in our relationships. Thank You for loving us beyond comprehension, even in those moments of life when we have felt most unlovable. Thank You for providing us with the chance to make new beginnings, to mend the broken fences of our mistakes, and to

have the courage to dream dreams for our future. What a privilege it is to be here and to represent others. What a sacred trust we have been given. Thank You for providing us with this great responsibility. May our efforts...may our work...may our actions...be pleasing and acceptable in Thy sight. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 3 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Representatives Holmes and Esposito request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (102-0).

Leaves of absence are granted Representatives Bonner, Cansler, Cunningham, Hackney, Jarrell, and Neely for today.

ENROLLED BILLS

The following bill and resolution are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1420, AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD.

S.J.R. 1224, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. OLLIE HARRIS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 35)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEE

The following reports from standing committees and permanent subcommittee are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.B. 1637, A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, with a favorable report as to committee substitute bill, unfavorable as to original bill and

recommendation that the committee substitute bill be re-referred to the Committee on Local and Regional Government I.

The committee substitute bill is re-referred to the Committee on Local and Regional Government I. The original bill is placed on the Unfavorable Calendar.

H.B. 1638, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MOREHEAD CITY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Local and Regional Government I.

The committee substitute bill is re-referred to the Committee on Local and Regional Government I. The original bill is placed on the Unfavorable Calendar.

H.B. 1639, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NEWPORT, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Local and Regional Government I.

The committee substitute bill is re-referred to the Committee on Local and Regional Government I. The original bill is placed on the Unfavorable Calendar.

By Representatives Ives, McCombs, and Sherrill, Co-Chairs, for the Permanent Subcommittee on General Government of the Standing Committee on Appropriations, with approval of standing committee chair for report to be made directly to the floor of the House.

Committee Substitute for **S.B. 475,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Brown for the Committee on Agriculture:

H.B. 1248, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO THE FEDERAL TOBACCO SETTLEMENT, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRALS

Representatives Russell and Shubert, Co-Chairs for the Standing Committee on Education, refer **H.B. 1719,** A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS, to the Permanent Subcommittee on Pre-School, Elementary and Secondary Education.

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

H.B. 1274, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY;

H.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS;

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS; and

H.B. 1594, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF THE TOWN OF COLUMBUS FOR REPAYMENT OF ERRONEOUS FRANCHISE TAX DISTRIBUTIONS.

COMMITTEE ASSIGNMENTS

The Chair appoints Representative Sherrill to the Committee on Appropriations, Subcommittee on Capital and Budget.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM.

On motion of Representative Decker, the House does not concur in the Senate committee substitute, by electronic vote (105-0), and conferees are requested.

The Speaker appoints Representatives Decker, Bowie, Esposito, and Crawford as conferees on the part of the House and the Senate is so notified by Special Message.

H.J.R. 1754, A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

Representative Easterling states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (108-0).

RE-REFERRAL

On motion of Representative Morgan, **H.B. 1397,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS, is withdrawn from the Committee on State Government and re-referred to the Committee on Local and Regional Government I.

Representative Morgan moves, seconded by Representative Dockham, that the House adjourn, subject to the ratification of bills, to reconvene Monday, June 8, 1998, at 7:00 p.m.

The motion carries.

ENROLLED BILLS

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1754, A JOINT RESOLUTION INVITING THE REPUBLICAN NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE. (RESOLUTION 36)

The House stands adjourned at 5:00 p.m.

ONE HUNDRED FORTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, June 8, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Ever-loving God, the weeks go by so very quickly. They cycle through from one to the next, and we can very easily get caught up in the throes of it all. Each of us have duties and agendas that spread us too thin. Because of this, it can all too often seem as if we are not able to put forth our best efforts in the tasks that are before us. Tonight, as we pray, clean the windows before our eyes so that we can see clearly the work that lies ahead. Help us to prioritize our multi-dimensional lives so that in our work, and in our play, we are able to exert the right amount of our energies in all that we say and do. And, in all things, may we look to You to be our strength and our shield. In the holy name of God, we pray. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 4 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (103-0).

Leaves of absence are granted Representatives Cunningham, Gamble, Redwine, Wainwright, and Wright for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 845, AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS.

S.B. 1126, AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF CERTIFIED PUBLIC SCHOOL EMPLOYEES IN ALL LOW-PERFORMING SCHOOLS, AND TO CREATE ASSESSMENT TEAMS.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1420, AN ACT TO PERMIT THE SHORT-TERM USE OF MOBILE STRUCTURES WHEN NONRESIDENTIAL STRUCTURES ARE DAMAGED BY FIRE OR ACTS OF GOD. (S.L. 1998-4)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Owens, Ranking Minority Member, for the Committee on Ways and Means:

H.B. 1314, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON CEMETERY ISSUES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1456, A BILL TO BE ENTITLED AN ACT TO ABOLISH EXECUTION BY LETHAL GAS AND TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 9.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1383, A BILL TO BE ENTITLED AN ACT TO ANNEX THE MECK NECK AREA OF MECKLENBURG COUNTY TO IREDELL COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 1193,** A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES, is read the first time and referred to the Committee on Technology and, if favorable, to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1112,** A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS, is read the first time and referred to the Committee on Local and Regional Government I.

Committee Substitute for **S.B. 1269,** A BILL TO BE ENTITLED AN ACT TO EXTEND BY ONE YEAR THE DATE BY WHICH WELL CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on State Government.

CALENDAR

Action is taken on the following:

H.B. 1508, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE PROPERTY WITHOUT THE OWNERS REQUEST, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1251,** A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1254, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COUNTY OF TRANSYLVANIA MAY USE CERTAIN LANDS FOR LIBRARY PURPOSES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1338, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE OPERATION OF PERSONAL WATERCRAFT, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

POINT OF ORDER

Representative Brawley requests a ruling pursuant to **H.J.R. 306,** A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1997 GENERAL ASSEMBLY TO MEET IN 1998 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, Section 1(4) on **H.B. 1555,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, which he objects to as a Member who represents the district to which the bill applies. He asks that the bill be declared ineligible. The Chair states that he will meet with counsel and make this ruling tomorrow.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1505, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY, passes its second reading, by electronic vote (106-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

INTRODUCTION OF PAGES

Pages for the week of June 8 are introduced to the membership. They are: Janet Eileen Bailey of Mecklenburg; Kathryn Epps Banner of Guilford; Joshua Charles Bickerstaff of Iredell; Tracee Evans Brodie of Mecklenburg; Elizabeth Kee Davis of Guilford; David R. Gilbert, Jr. of Pitt; Julie Gilstrap of Wilkes; Michael W. Grubb of Pitt; John Stuart Harris of Pasquotank; Briandria Evette Hicks of Granville; James Daniel Hogan of Iredell; Lindsay Lea Jessup of Pitt; Amy W. Johnson of Wake; John Charles Kirtley of Pasquotank; George Thomas Liles of Randolph; Judson Travis Macgregor of Cumberland; Henry David Marguard of Alamance; Charish Samantha Martin of Yadkin; Amanda K. Nichols of Craven; Gary Vance Nichols of Wilkes; Kyle Kornegay Phillips of Duplin; Emily Mae Plemmons of Buncombe; Daniel Edwin Price of Duplin; John Julian Pugh of Randolph; James Ernest Reid, III of Guilford; Wendy Eleanor Steele of Yadkin; Amanda Nicole Thompson of Henderson; and Charles E. Tucker of Wake.

On motion of Representative Morgan, seconded by Representative Hightower, the House adjourns at 7:20 p.m. to reconvene June 9 at 1:15 p.m.

ONE HUNDRED FORTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 9, 1998

The House meets at 1:15 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, we bow before Your Holiness as we pray knowing full well that You alone are the Creator of all that is seen and unseen...knowing all too well that our very lives are but a breath away from dust. It was Your great love that breathed into us the breath of life and made us into the people we are. Because of this, because of this indescribable gift of life and love, help us to clear our hearts of all that is unnecessary and impure. Our hearts are heavy and are chock full of 'stuff', O God. Help us to purge whatever is there that needs to be purged. Help us to clean out whatever needs to be cleaned. Repair whatever damage You find. Put in its place a clean and new heart that can humble itself before You and seek Thy guidance and Thy mercy. We are bold even to ask Thee for these things. We pray humbly, O Lord. Have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 8 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Leaves of absence are granted Representatives Alexander, Braswell, Capps, Gamble, McAllister, Redwine, Shubert, and Tallent for today.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1126, AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF CERTIFIED PUBLIC SCHOOL EMPLOYEES IN ALL LOW-PERFORMING SCHOOLS, AND TO CREATE ASSESSMENT TEAMS. (S.L. 1998-5)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE, with a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement.

The bill is re-referred to the Committee on Pensions and Retirement.

By Representative Russell, Co-Chair, for the Committee on Education:

H.B. 1371, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING SCHOOLS MAKE IMPROVEMENT, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO RETURN TO THE PRE-1991-92 PRACTICE OF SHARING SCHOOL UTILITY COSTS WITH THE COUNTIES, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1278, A BILL TO BE ENTITLED AN ACT TO ALLOW WAYNE COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1407, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 10.

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1570, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 10.

Committee Substitute for **H.B. 1637,** A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

Committee Substitute for **H.B. 1638,** A BILL TO BE ENTITLED AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

Committee Substitute for **H.B. 1639,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NEWPORT TO LEASE A CERTAIN PIECE OF PROPERTY FOR TWENTY-FIVE YEARS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 10.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1182,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT, is read the first time and referred to the Committee on Human Resources.

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY, is read the first time and referred to the Committee on Finance.

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Environment.

SPEAKER'S RULING

The Speaker responds to the point of order raised by Representative Brawley on June 8 regarding **H.B. 1555,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER. The Speaker rules that the bill, as filed, is ineligible to be considered during this session.

Representative Mitchell moves that the rules be suspended in order that **H.B. 1555** may be considered.

Representative Mitchell withdraws his motion.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1260,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS AND TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES, passes its second reading, by electronic vote (105-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING.

Representative Arnold inquires of the Chair if a Fiscal Note is required. The Chair states that a Fiscal Note is required and is not in the bill jacket; therefore, the bill is temporarily displaced.

H.B. 1456, A BILL TO BE ENTITLED AN ACT TO ABOLISH EXECUTION BY LETHAL GAS AND TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS.

Representative Justus offers Amendment No. 1 which is adopted by electronic vote (104-0).

Representative Insko offers Amendment No. 2 which is adopted by electronic vote (104-1).

The bill, as amended, passes its second reading, by electronic vote (99-6), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate.

Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING.

The bill, which was temporarily displaced, is before the Body with the fiscal note properly attached.

The bill passes its second reading, by electronic vote (92-15), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRALS

On motion of Representative Dockham, **H.B. 1717,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MEDICAL SAVINGS ACCOUNT PLANS THE CONTRIBUTIONS TO WHICH ARE DEDUCTIBLE FROM STATE TAXES UNDER CERTAIN CIRCUMSTANCES, is withdrawn from the Committee on Insurance and re-referred to the Committee on Judiciary I.

On motion of Representative Morgan, **S.B. 78,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, is withdrawn from the Committee on State Government and re-referred to the Committee on Judiciary I.

On motion of Representative Morgan, Committee Substitute for **S.B. 726,** A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED

OR BY ACTION OF THE GENERAL ASSEMBLY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local and Regional Government I.

On motion of Representative Morgan, seconded by Representative Bonner, the House adjourns at 2:18 p.m. to reconvene June 10 at 2:00 p.m.

ONE HUNDRED FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 10, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Holy God, once again, we begin our daily session in prayer. Once again, we bow in silence and assume the posture of talking to the Living God. Once again, our hearts are poised to have an audience with Your Holiness. O God, who yearns for our attention, keep these daily moments of prayer from becoming nothing more than a short break from our routine. Grant us Your grace and demonstrate to us that what we are doing in these precious moments is more than jumping through a hula hoop so that we can move on to more important matters. Rather, if there is anything perfunctory about our attitudes in these sacred moments of prayer, erase those motives from us. Show us how one or two minutes of silence, reflection, and petition in Thy presence is better than a lifetime in Your absence. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 9 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Leaves of absence are granted Representatives Alexander, Brown, Fitch, Gamble, Hiatt, R. Hunter, and McAllister for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1494, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY EMPLOYEES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 11.

H.B. 1593, A BILL TO BE ENTITLED AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION, PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE NEEDS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of June 11. The original bill is placed on the Unfavorable Calendar.

H.B. 1647, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH ORDINANCES ARE REVISED OR AMENDED, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 11.

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, with a favorable report.

On motion of the Chair, pursuant to Rule 38, the bill is re-referred to the Committee on Finance.

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT

QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES, with a favorable report.

On motion of the Chair, pursuant to Rule 38, the bill is re-referred to the Committee on Finance.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1410, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1433, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW

COMMISSION, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

H.B. 1246, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 11.

H.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 11.

H.B. 1284, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of June 11. The original bill is placed on the Unfavorable Calendar.

H.B. 1594, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF THE TOWN OF COLUMBUS FOR REPAYMENT OF ERRONEOUS FRANCHISE TAX DISTRIBUTIONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

House Committee Substitute for **S.B. 321,** A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING

THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, PROVIDE FOR ELECTIONS FOR THE ALAMANCE-BURLINGTON BOARD OF EDUCATION, AND PROVIDE THAT THE BOARD OF COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF SEVEN MEMBERS ELECTED AT LARGE FOR FOUR-YEAR STAGGERED TERMS ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Reynolds for the Committee on Technology:

Committee Substitute for **S.B. 1193,** A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

Without objection, the committee substitute bill is re-referred to the Committee on Appropriations, Subcommittee on Natural and Economic Resources.

By Representative Rayfield, Chair, for the Permanent Subcommittee on Community Colleges of the Standing Committee on Education, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

H.B. 1606, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE IN UNION COUNTY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1129,** A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, is read the first time and referred to the Committee on Education.

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is read the first time and referred to the Committee on Environment.

CALENDAR

Action is taken on the following:

H.B. 1407, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1570, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1639,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NEWPORT TO LEASE A CERTAIN PIECE OF PROPERTY FOR TWENTY-FIVE YEARS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1367, A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Alexander, Brown, Fitch, Gamble, Hiatt, R. Hunter, and McAllister - 7.

RE-REFERRALS

On motion of Representative Morgan, **H.B. 1479,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATED TO THE PHASEOUT OF ANAEROBIC LAGOONS AND SPRAYFIELDS AS THE PRIMARY METHODS OF DISPOSING OF ANIMAL WASTE AT SWINE FARMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Environment.

On motion of Representative Morgan, **H.B. 1523,** A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary I.

On motion of Representative Morgan, Committee Substitute for **H.B. 1314,** A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION, BASED ON RECOMMENDATIONS OF

THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON CEMETERY ISSUES, is withdrawn from the Calendar pursuant to Rule 36(a) and re-referred to the Committee on Judiciary I.

On motion of Representative Daughtry, **H.B. 1544,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN CRIMINAL CASES IN THE GENERAL COURT OF JUSTICE, is withdrawn from the Committee on Judiciary I and re-referred to the Committee on Judiciary II.

On motion of Representative Morgan, seconded by Representative Hensley, the House adjourns at 2:23 p.m. to reconvene June 11 at 11:00 a.m.

ONE HUNDRED FORTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, June 11, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, Holy are You and worthy are You to be praised. You formed us in Your image, breathed into us the breath of life, and made covenant with us to be our God. Your strength and Your might go before us, are always with us, and follow up after us.

"Lord, the earthly trappings of money and power are seductive. There are none of us who are beyond the temptation of being bought and sold in an attempt to grab hold of their seemingly glittering positions. Each of us here must face these temptations everyday as we walk these hallways. It seems as if around every corner or in any room, deals can be made in exchange for this vote or for that seat. When this happens, the public's trust in our ability to lead and our reputations, both personally and collectively, get soiled. We admit, that it is not always easy for us to take the moral high road when the flow of traffic is moving swiftly in the wrong direction.

"God of Power and Might, teach each one of us to be humble and that leadership happens through the example of servanthood. Help us to see that

true power comes not in titles or positions. Rather, the ability to have a positive influence in our work and on others comes through humility and character and integrity. These are the spiritual marks by which we are judged and by which we shall ultimately be held accountable. Remove from us any motivation that would lead to an abuse of our personal integrity so that in the end, we are, indeed judged by who we are and who You have called us to be. As always, have mercy upon us, O Lord, our Rock and our Redeemer. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 10 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Berry, Brown, Culp, Esposito, Gamble, Hiatt, R. Hunter, McAllister, and Watson for today.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Mitchell, Baker, and Carpenter, Co-Chairs, for the Permanent Subcommittee on Natural and Economic Resources of the Standing Committee on Appropriations, with approval of standing committee co-chairs, for report to be made directly to the floor of the House:

Committee Substitute for **S.B. 1193,** A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on today's Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative Mitchell:

H.J.R. 1755, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, if referred to the Committee on Rules, Calendar, and Operations of the House.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
June 10, 1998

Mr. Speaker:

On **H.B. 989** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1222,** A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY, is read the first time and referred to the Committee on Finance.

CONFERENCE REPORT

Representative Arnold sends forth the Conference Report on Senate Committee Substitute for **H.B. 989,** A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of June 15.

CALENDAR

Action is taken on the following:

H.B. 1494, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY EMPLOYEES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1593,** A BILL TO BE ENTITLED AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION, PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE NEEDS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1647, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH ORDINANCES ARE REVISED OR AMENDED, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1246, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1275, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1367, A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baker, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 101.

Voting in the negative: None.

Excused absences: Representatives Berry, Brown, Culp, Dockham, Esposito, Gamble, Hiatt, R. Hunter, McAllister, and Watson - 10.

Representatives Baddour, Braswell, and Earle state that their voting equipment malfunctioned and request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (104-0).

Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER AND DAVIDSON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF

EDUCATION, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 104.

Voting in the negative: Representative Capps.

Excused absences: Representatives Berry, Brown, Culp, Dockham, Esposito, Gamble, Hiatt, R. Hunter, McAllister, and Watson - 10.

House Committee Substitute for **S.B. 1193,** A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES.

Representative Hensley inquires of the Chair if this bill may be considered before the budget bill is considered. The Speaker rules the bill is in order and properly before the Body.

The bill passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

RE-REFERRALS

On motion of Representative Holmes, **H.B. 1319,** A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS, is

withdrawn from the Committee on Appropriations and re-referred to the Committee on Education.

On motion of Representative Morgan, **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, is withdrawn from the Committee on Local and Regional Government I and re-referred to the Committee on Local and Regional Government II.

On motion of Representative Morgan, seconded by Representative Hill, the House adjourns at 11:26 a.m. to reconvene Monday, June 15, 1998, at 7:00 p.m.

ONE HUNDRED FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, June 15, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Brown.

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 11 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (90-0).

Leaves of absence are granted Representatives Baddour, Cole, Earle, Esposito, Gamble, Goodwin, Hardaway, McAllister, McMahan, Oldham, Reynolds, Russell, Sherrill, and Shubert for today.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1261, AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Weatherly for the Committee on State Government:

H.B. 1269, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA GOVERNMENT COMPETITION COMMISSION TO PROVIDE FOR BETTER GOVERNMENT IN NORTH CAROLINA THROUGH A COMPREHENSIVE STATE GOVERNMENT COMPETITION INITIATIVE, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

H.B. 1334, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF CONTRACTORS ON THE BUILDING CODE COUNCIL AND TO REQUIRE COUNCIL TO CONSIDER THE IMPACT OF CODE CHANGES ON THE AFFORDABILITY OF RESIDENTIAL HOUSING, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1541, A BILL TO BE ENTITLED AN ACT TO ALLOW MITCHELL COMMUNITY COLLEGE TO USE THE PROCEEDS FROM THE SALE OF REAL ESTATE DONATED TO IT FOR THE PURPOSES INTENDED BY THE DONOR, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1440, A BILL TO BE ENTITLED AN ACT TO RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES, with a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

H.B. 1285, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLICIZE THE REVENUE NEUTRAL TAX RATE IN THE YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY, AND TO NOTIFY PERSONS SUBJECT TO ANNEXATION OF THE PROJECTED CHANGE TO THEIR PROPERTY TAX LIABILITY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1540, A BILL TO BE ENTITLED AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1591, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THAT COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1610, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

Committee Substitute for **H.B. 1637,** A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET;

Committee Substitute for **H.B. 1638,** A BILL TO BE ENTITLED AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS;

H.B. 1278, A BILL TO BE ENTITLED AN ACT TO ALLOW WAYNE COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION;

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH;

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS; and

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers **H.B. 1704,** A BILL TO BE ENTITLED AN ACT TO ENCOURAGE REVITALIZATION OF HISTORIC WATERFRONT TOWNS, to the Permanent Subcommittee on Natural and Economic Resources.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO REENACT THE 1986 LAW PROVIDING FOR RISK-SHARING PLANS, TO AMEND THE IMMUNITY STATUTES FOR THE FAIR AND BEACH PLANS, AND TO MAKE A TECHNICAL AMENDMENT IN THE BEACH PLAN LAWS, is read the first time and referred to the Committee on Insurance and, if favorable, to the Committee on Judiciary II.

Committee Substitute for **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325, is read the first time and referred to the Committee on Education.

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL, PHARMACY TECHNICIANS, AND ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS AND CHARGE A FEE, is read the first time and referred to the Committee on Insurance and, if favorable, to the Committee on Finance.

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, is read the first time and referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

CONFERENCE REPORT

Representative Rogers moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 989

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 989, A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM, Senate Finance Committee Substitute Adopted 6/19/97, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 6/19/97, and the House concurs in the Senate Committee Substitute as amended:

on page 2, lines 28-29, rewrite those lines to read:

"Section 3. This act is effective on and after January 1, 1998.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 8, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Walter Dalton, Chair	S/ Gene Arnold
S/ Leslie Winner	S/ Jean Preston
S/ John Garwood	S/ R. Eugene Rogers

The Conference Report is adopted, by electronic vote (95-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled.

CALENDAR

Action is taken on the following:

Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER AND DAVIDSON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Brawley, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, and Yongue - 94.

Voting in the negative: Representative Capps.

Excused absences: Representatives Baddour, Cole, Earle, Esposito, Gamble, Goodwin, Hardaway, McAllister, McMahan, Oldham, Reynolds, Russell, Sherrill, and Shubert - 14.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1594, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF THE TOWN OF COLUMBUS FOR REPAYMENT OF ERRONEOUS FRANCHISE TAX DISTRIBUTIONS, passes its second reading, by electronic vote (72-23), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

INTRODUCTION OF PAGES

Pages for the week of June 15 are introduced to the membership. They are: Constance Lucia Barbee of Moore; Joshua Lee Barbee of Stanly; Rachel T. Blue of Robeson; Jennifer Nora Carter of Franklin; Melissa Deanne Creech of Johnston; Kimberly Ann Dahl of Wake; Nathan Wesley Dalton of Gaston; Jennifer Ann Franklin of Wake; Vera Kathryn Gould of Henderson; Thomas Sterling Greenwood of Buncombe; Turner Bentley Harris of Cleveland; Amanda Breckinridge Hawks of Buncombe; Elizabeth Arnessia Hutcherson of Guilford; Ashley Jo Leder of Columbus; Kimberly S. McKoy of Pender; Joshua Jurant Morton, III, of Stanly; Brooke McLean Patterson of Wake; Michael Andrew Patterson of Wake; Crystal Renee Sanders of Johnston; Brandon Vaden of Orange; Ajaree Caroline Whaley of Rowan; Zachary Paul Williams of Forsyth; and William Starling Womack of Guilford.

SUBCOMMITTEE REFERRAL

Representative Miner, Chair for the Standing Committee on Commerce, refers **S.B. 1093,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, to the Permanent Subcommittee on State Government.

On motion of Representative Morgan, seconded by Representative Thompson, the House adjourns at 7:21 p.m. to reconvene June 16 at 1:00 p.m.

ONE HUNDRED FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 16, 1998

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, hallowed be Your name. Early in the morning, before we begin our work, we praise Your glory as You renew our bodies as fresh as the morning flowers.

"God of mercy, this midday moment of rest is Your welcome gift. Bless the work we have begun, make good its defects, and let us finish it in a way that pleases you.

"Open our inner eyes, as the sun casts new light upon the darkness. Deliver us from all captivity. Like the birds of the sky, give us wings of freedom to begin a new journey. As a mighty stream running continuously, restore justice and freedom day by day. We thank You for the gift of this day and a new day to work with You. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 15 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Leaves of absence are granted Representatives Daughtry, Ellis, Esposito, Gamble, Goodwin, McAllister, Reynolds, Sherrill, and Shubert for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1193, AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES.

H.B. 989, AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1306, AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY THE BOARD.

H.B. 1328, AN ACT TO PROVIDE THAT A FRANCHISED NATURAL GAS DISTRIBUTION COMPANY THAT IS NOT PROVIDING SERVICE TO AT LEAST SOME PORTION OF CAMDEN, CURRITUCK, DARE, OR TYRRELL COUNTIES BY JULY 1, 1998, SHALL LOSE ITS EXCLUSIVE FRANCHISE RIGHTS TO THE COUNTY NOT BEING SERVED.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Brown for the Committee on Agriculture:

H.B. 1543, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF DEALERS IN POULTRY AND RATITES, TO PROHIBIT SPECIALTY MARKET OPERATORS FROM PERMITTING UNREGISTERED POULTRY OR RATITE DEALERS FROM OPERATING AT SPECIALTY MARKETS, AND TO APPROPRIATE FUNDS FOR THE ENFORCEMENT OF THESE REGISTRATION REQUIREMENTS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1525, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG, with a favorable report and

recommendation that the bill be re-referred to the Committee on Pensions and Retirement.

The bill is re-referred to the Committee on Pensions and Retirement.

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, with a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement.

The bill is re-referred to the Committee on Pensions and Retirement.

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1595, A BILL TO BE ENTITLED AN ACT ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1596, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Black, Alexander, Beall, Brown, Easterling, Hackney, Holmes, Miller, Nesbitt, and Ramsey:

H.J.R. 1756, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CARTHAGE, is read the first time and referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW, is read the first time and referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

S.B. 1417, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, is read the first time and referred to the Committee on Local and Regional Government I.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR

COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES, is read the first time and referred to the Committee on Ways and Means and, if favorable, to the Committee on Education.

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE DEPARTMENT OF TRANSPORTATION TO USE ADDITIONAL FUNDS FROM THE FEDERAL HIGHWAY REAUTHORIZATION BILL OF 1998 TO EXPEDITE WIDENING OF INTERSTATE HIGHWAYS TO AT LEAST SIX LANES, is read the first time and referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS, is read the first time and referred to the Committee on Local and Regional Government I.

S.B. 1478, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH, is read the first time and referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

S.B. 1479, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM, is read the first time and referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

S.B. 1518, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY, is read the first time and referred to the Committee on Ways and Means.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE PRIVILEGE TAX ON GROSS RECEIPTS FROM MOTION PICTURE SHOWS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Baker, Barbee, Beall, Berry, Black, Bowie, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Davis, Dickson, Dockham, Earle, Fox, Gardner, Grady, Gray, Gulley, Hall, Hardy, Hiatt, Holmes, Howard, Ives, Justus, Kiser, McComas, McCombs, McMahan, Mercer, Miner, Mitchell, Moore, Morgan, Morris, Owens, Preston, Ramsey, Rayfield, Sexton, Starnes, Wainwright, Watson, Weatherly, C. Wilson, G. Wilson, and Wright - 58.

Voting in the negative: Representatives Adams, Allred, Baddour, Blue, Bonner, Boyd-McIntyre, Braswell, Creech, Culpepper, Cunningham, Decker, Dedmon, Easterling, Eddins, Hackney, Hardaway, Hensley, Hightower, Hill, H. Hunter, R. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, Luebke, McCrary, Michaux, Miller, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Redwine, Rogers, Russell, Saunders, Smith, Sutton, Thompson, Tolson, Warner, Warwick, Womble, Wood, and Yongue - 49.

Excused absences: Representatives Cole, Daughtry, Ellis, Esposito, Gamble, Goodwin, McAllister, Reynolds, Sherrill, and Shubert - 10.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1415, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1433, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION,

passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRALS

On motion of Representative Brown, **H.B. 1553,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER, is withdrawn from the Committee on Agriculture and re-referred to the Committee on Appropriations.

On motion of Representative Morgan, **H.B. 1646,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF SEAT BELTS ON SCHOOL ACTIVITY BUSES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Education.

On motion of Representative Morgan, **H.B. 1701,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM IN ALAMANCE COUNTY TO DETERMINE THE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK RELEASE, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Judiciary II.

On motion of Representative Morgan, **H.B. 1707,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATE FUNDING RELATED TO SITING A LOW-LEVEL RADIOACTIVE WASTE FACILITY IN NORTH CAROLINA, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Commerce.

On motion of Representative Morgan, seconded by Representative Braswell, the House adjourns at 1:31 p.m. to reconvene June 17 at 2:00 p.m.

ONE HUNDRED FORTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 17, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Great God of Heaven and earth. So often, the boundaries between what is right and pleasing and good and what is wrong and displeasing to God can get blurred. As history marches onward, the times and cultural morality change with it. But, amidst those changes that occur, many of which are quite necessary, Truth still remains. God's truth and peace and grace remain steadfast. In our daily efforts as a legislative body, we must often face the blurred lines that exist between right and wrong. Moreover, there are vast differences in this Chamber on how we are to live socially as a people that can often blur the lines of civility further. As always, O God, we need a voice from heaven to light up our souls. We need the discernment of God to clarify our motivation. We need to pause long enough in our personal drives to be seen and heard, to stop, look, and listen for the divine whisper of God who, above all else, can offer us visions of truth, and peace, and holiness of heart. Hear us, O God, as we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 16 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (110-0).

Leaves of absence are granted Representatives Esposito, Gamble, McAllister, and Sherrill for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1261, AN ACT TO ADD PASQUOTANK COUNTY TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS. (S.L. 1998-6)

H.B. 1306, AN ACT TO ALLOW THE AVERY COUNTY BOARD OF EDUCATION TO BUILD A SCHOOL BUILDING ON LAND NOT OWNED IN FEE SIMPLE BY THE BOARD. (S.L. 1998-7)

H.B. 1328, AN ACT TO PROVIDE THAT A FRANCHISED NATURAL GAS DISTRIBUTION COMPANY THAT IS NOT PROVIDING SERVICE TO AT LEAST SOME PORTION OF CAMDEN, CURRITUCK, DARE, OR TYRRELL COUNTIES BY JULY 1, 1998, SHALL LOSE ITS EXCLUSIVE FRANCHISE RIGHTS TO THE COUNTY NOT BEING SERVED. (S.L. 1998-8)

S.B. 1193, AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO COVER THE COSTS OF THE YEAR 2000 CONVERSION IN ALL STATE DEPARTMENTS AND AGENCIES. (S.L. 1998-9)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1504, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1622, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.B. 1492, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS (1) FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS AND LOANS TO NATURAL GAS LOCAL DISTRIBUTION COMPANIES AND OTHER PERSONS SEEKING A NATURAL GAS DISTRIBUTION FRANCHISE FOR CONSTRUCTION OF NATURAL GAS FACILITIES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

H.J.R. 1755, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

By Representatives Sexton and Buchanan, Co-Chairs, for the Committee on Transportation:

H.B. 1304, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

H.B. 1274, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 18.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 18.

Committee Substitute for **H.B. 1637,** A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **H.B. 1638,** A BILL TO BE ENTITLED AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1278, A BILL TO BE ENTITLED AN ACT TO ALLOW WAYNE COUNTY TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1528, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1497, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY, with a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1524, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING THAT OFFICE, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of June 18. The original bill is placed on the Unfavorable Calendar.

H.B. 1554, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 18.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1252, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL BE REMITTED TO THE SCHOOL FUND OF THE COUNTY OF THE DEFENDANT'S RESIDENCE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1737, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE AUTHORITY OF THE BOARD OF GOVERNORS WITH REGARD TO CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS PROPERTY, AND TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND SERVICE CHARGE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 124,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1222,** A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

Committee Substitute for **S.B. 78,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

H.B. 1264, A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER, CALDWELL, AND MITCHELL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION; and

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, is read the first time and referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

S.B. 1149, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM, is read the first time and referred to the Committee on Human Resources and, if favorable, to the Committee on Appropriations.

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, is read the first time and referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

Committee Substitute for **S.B. 1327,** A BILL TO BE ENTITLED AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES, AND TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1351,** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF GOLDSBORO, is read the first time and referred to the Committee on State Government.

Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, is read the first time and referred to the Committee on Local and Regional Government I.

SUBCOMMITTEE REFERRAL

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers **H.B. 1492,** A BILL TO BE

ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS (1) FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS AND LOANS TO NATURAL GAS LOCAL DISTRIBUTION COMPANIES AND OTHER PERSONS SEEKING A NATURAL GAS DISTRIBUTION FRANCHISE FOR CONSTRUCTION OF NATURAL GAS FACILITIES, to the Permanent Subcommittee on Natural and Economic Resources.

CALENDAR

Action is taken on the following:

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE PRIVILEGE TAX ON GROSS RECEIPTS FROM MOTION PICTURE SHOWS.

On motion of Representative Cunningham, the bill is withdrawn from the Calendar and re-referred to the Committee on Finance by electronic vote (102-13).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1371, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, passes its second reading, by electronic vote (115-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1410, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1334, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF CONTRACTORS ON THE BUILDING CODE COUNCIL AND TO REQUIRE COUNCIL TO CONSIDER THE IMPACT OF CODE CHANGES ON THE AFFORDABILITY OF RESIDENTIAL HOUSING, passes its second reading, by electronic vote (114-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1285,** A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLICIZE THE REVENUE NEUTRAL TAX RATE IN THE YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY, AND TO NOTIFY PERSONS SUBJECT TO ANNEXATION OF THE PROJECTED CHANGE TO THEIR PROPERTY TAX LIABILITY, AND TO REQUIRE TAX BILLS TO INCLUDE THE DATES OF THE TAX YEAR, passes its second reading, by electronic vote (113-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

On motion of Representative Morgan, seconded by Representative Earle, the House adjourns at 2:40 p.m. to reconvene June 18 at 10:45 a.m.

ONE HUNDRED FORTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, June 18, 1998

The House meets at 10:45 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Great God of Heaven, early in the morning as the sun rises to meet us, incline our hearts to seek Thy face. As noontime falls upon us and we refresh our bodies with food, fill us with manna from heaven. When evening comes, bring us to a time and place of peace and rest. Throughout our days, O God, remind us of our need to find a home within our hearts for You to dwell. Take away our sin so that we might have more room for You to reside. Take our eyes and see through them. Take our minds and speak through them. Take our hands and work through them. Take our lips and speak through them. Take our work...and make it right! Take our hearts and set them on fire for Your sake and for the sake of Your kingdom that has only begun, but will one day be made complete. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 17 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (104-1).

Leaves of absence are granted Representatives Esposito, Gamble, McAllister, Sherrill, and Sutton for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1453, A BILL TO BE ENTITLED AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of June 22. The original bill is placed on the Unfavorable Calendar.

By Representatives Justus, Thompson, and Kiser, Co-Chairs, for the Permanent Subcommittee on Justice and Public Safety of the Standing Committee on Appropriations, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

Committee Substitute No. 2 for **H.B. 665,** A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, AND TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2 and recommendation that Committee Substitute Bill No. 3 be referred to the Committee on Judiciary I.

Committee Substitute Bill No. 3 is re-referred to the Committee on Judiciary I. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

H.B. 1518, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRALS

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, to the Permanent Subcommittee on Transportation.

Representatives Russell and Shubert, Co-Chairs for the Standing Committee on Education, refer **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE

TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325, to the Permanent Subcommittee on Pre-School, Elementary and Secondary Education.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1124,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, is read the first time and referred to the Committee on Education.

Committee Substitute for **S.B. 1226,** A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1289,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING, is read the first time and referred to the Committee on Transportation.

Committee Substitute for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALAMANCE, CATAWBA, CUMBERLAND, DAVIDSON, DAVIE, DURHAM, HOKE, LINCOLN, ROBESON, AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, is read the first time and referred to the Committee on Local and Regional Government II.

S.B. 1397, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, is read the first time and referred to the Committee on Local and Regional Government I.

CALENDAR

Action is taken on the following:

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Esposito, Gamble, McAllister, Sherrill, and Sutton - 5.

H.B. 1274, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1541,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE SALE OF REAL ESTATE DONATED TO THEM FOR THE PURPOSES INTENDED BY THE DONOR, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1595, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1596, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1524,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING THAT OFFICE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1554, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRALS

On motion of Representative Morgan, **H.B. 1646,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF SEAT BELTS ON SCHOOL ACTIVITY BUSES, is withdrawn from the Committee on Education and re-referred to the Committee on Transportation.

On motion of Representative Morgan, House Committee Substitute for **S.B. 452,** A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL

GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES, is withdrawn from the Committee on Finance and re-referred to the Committee on Rules, Calendar, and Operations of the House.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1380, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS' ENTRY INTO ABC-LICENSED PREMISES IN CUMBERLAND COUNTY, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of June 22. The original bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Bowie, the House adjourns at 11:06 a.m. to reconvene Monday, June 22, 1998, at 7:00 p.m.

ONE HUNDRED FORTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, June 22, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Russell E. Williams of Mt. Ulla, who is a member of the State Board of Pastoral Counselors.

"Great God, King of Heaven and Earth, our Blessed Hope,
We are humbled, being in Your presence. We are not worthy to speak Your name, yet by Your Will, we labor with You.
Help us Lord, for You see not only the act, but the potential.

Father, in Your presence I ask, shine down upon us. Bless this distinguished Body, this legislature of the great State of North Carolina. Shine down upon us Lord. Bless this Body with:

Vision beyond sight,
Understanding beyond hearing,
and
Wisdom beyond knowledge.

Hold us tight in Your Almighty Hand, and not only us, but also our President, Mr. Clinton, our Governor, Mr. Hunt, and our Speaker, Mr. Brubaker.

"Father, there is an old and wise man, a Chaplain, Dr. Clarence Bryan. He has lived in Your light, Your presence more than seventy-three years, and he says that You shine down upon us, that You are the Star that shines by day. Dr. Bryan says, 'You, Lord, are the Day Star'; and surely You are. It is in Your name and Your will we pray. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 18 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (91-0).

Leaves of absence are granted Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood for today. Representatives Cunningham, R. Hunter, Jeffus, and Nesbitt are excused for a portion of the session.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1251, AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR.

H.B. 1289, AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC., ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED TO THAT ENTITY.

H.B. 1407, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 845, AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS. (S.L. 1998-10)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Barbee for the Committee on Pensions and Retirement:

H.B. 1277, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 23.

H.B. 1584, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

H.B. 1474, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE OTHER TECHNICAL CHANGES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II.

The committee substitute bill is re-referred to the Committee on Judiciary II. The original bill is placed on the Unfavorable Calendar.

By Representative Weatherly for the Committee on State Government:

H.B. 1272, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1333, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO PUBLISH THE TEXT OF A PROPOSED RULE ON THE INTERNET, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE PROCUREMENT PROCESS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary I.

The committee substitute bill is re-referred to the Committee on Judiciary I. The original bill is placed on the Unfavorable Calendar.

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRALS

Representatives Gray, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

Committee Substitute for **H.B. 1504,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE;

Committee Substitute for **H.B. 1622,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE AND FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE;

Committee Substitute for **H.B. 1497,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY;

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND;

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY;

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE; and

House Committee Substitute for **S.B. 186,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Natural and Economic Resources:

H.B. 334, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC.;

H.B. 352, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ERADICATE HYDRILLA IN LAKE GASTON;

H.B. 359, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE ANALYSES OF SOILS AND PLANTS TO DETERMINE WHETHER ANIMAL WASTE IS BEING PROPERLY UTILIZED AFTER ITS LAND APPLICATION;

H.B. 360, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AGRONOMIC ADVISORY SERVICES;

H.B. 361, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOREST RESOURCES DIVISION OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL

RESOURCES FOR A FORESTRY CLASSIFICATION STUDY AND OTHER PERSONNEL ACTIVITIES;

H.B. 365, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR ENVIRONMENTAL FARMING RESEARCH;

H.B. 366, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR ENVIRONMENTAL PROTECTION IN PESTICIDE APPLICATION;

H.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BIOTECHNOLOGY CENTER FOR THE BUSINESS DEVELOPMENT PROGRAM;

H.B. 385, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SALMONELLA TESTING OF MEAT FOOD PRODUCTS;

H.B. 386, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR IMPROVEMENTS TO THE DEPARTMENT'S AUTOMATED INFORMATION SERVICES AND FOR TECHNICAL SUPPORT;

H.B. 489, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MOUNTAIN STATE FAIR;

H.B. 540, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BIOTECHNOLOGY CENTER FOR PLANNING FOR CONSTRUCTION OF A PARKING DECK;

H.B. 639, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY FOR THE RESERVE FOR FARM LOANS;

H.B. 641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING;

H.B. 738, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY TESTING FOR EQUINE INFECTIOUS ANEMIA AND TO APPROPRIATE FUNDS TO ENFORCE THE MANDATORY TESTING;

H.B. 775, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR ECONOMIC DEVELOPMENT PROJECTS IN COLUMBUS COUNTY;

H.B. 878, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION;

H.B. 984, A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN;

H.B. 1000, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, FOREST RESOURCES DIVISION, FOR THE RURAL COMMUNITY FIRE PROTECTION PROGRAM;

H.B. 1043, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FARM ENVIRONMENTAL COMPLIANCE REVOLVING LOAN FUND TO PROVIDE ASSISTANCE TO FARMERS TO ACHIEVE ENVIRONMENTAL COMPLIANCE;

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE WILDLIFE ENFORCEMENT OFFICERS AT LAKE NORMAN;

H.B. 1147, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGIONAL COORDINATOR POSITION FOR AREA THREE OF THE STATE SOIL AND WATER CONSERVATION DISTRICTS;

H.B. 1149, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR COMMUNITY SELF-HELP TO FURTHER A STATEWIDE PROGRAM OF LENDING FOR HOME OWNERSHIP;

H.B. 1161, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE FISHERIES REFORM ACT OF 1997;

H.B. 1164, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ADOPTION OF AN ERGONOMICS STANDARD BY THE NORTH CAROLINA LABOR COMMISSIONER;

H.B. 1179, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LAND LOSS PREVENTION PROJECT, INC., TO PROVIDE LEGAL ASSISTANCE TO FINANCIALLY DISTRESSED FAMILY FARMERS;

H.B. 1193, A BILL TO BE ENTITLED AN ACT TO CREATE AN AGRICULTURAL FAIRS ADVISORY COMMITTEE IN THE DEPARTMENT OF AGRICULTURE AND TO APPROPRIATE FUNDS FOR LOCAL AGRICULTURAL FAIRS;

H.B. 1250, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE MARINE FISHERIES COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE EXPANDED COMMISSION;

H.B. 1286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE CONSTRUCTION OF THE BLUE RIDGE REGIONAL DESTINATION CENTER;

H.B. 1296, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MULTIPURPOSE FORESTRY CENTER AT THE TURNBULL EDUCATIONAL STATE FOREST;

H.B. 1339, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT PROGRAMS OF THE NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC.;

H.B. 1340, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC., FOR THE CONSTRUCTION AND RENOVATION OF BUILDINGS;

H.B. 1379, A BILL TO BE ENTITLED AN ACT TO ADD NEW HANOVER COUNTY TO THE BEAVER DAMAGE CONTROL PROGRAM AND TO APPROPRIATE FUNDS TO CONTINUE THE BEAVER DAMAGE CONTROL PROGRAM;

H.B. 1381, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL

RESOURCES TO ASSIST LANDOWNERS ON JUNALUSKA CREEK WHO HAVE SUFFERED PROPERTY DAMAGE FROM THE IMPLEMENTATION OF THE FEDERAL EMERGENCY WATERSHED PROGRAM;

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO RESERVE FOUR PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE HOUSING TRUST FUND AND TO RESERVE TWO PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE DEPARTMENT OF COMMERCE FOR THE CENTER FOR COMMUNITY SELF-HELP;

H.B. 1411, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF FUNDS THAT MAY BE USED TO ADMINISTER THE FISHERY RESOURCE GRANT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE;

H.B. 1416, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE IMPLEMENTATION OF THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 1423, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS CONCERNING THE OREGON INLET;

H.B. 1436, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE PAN-AMERICAN GAMES;

H.B. 1444, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CONSERVATION GRANT FUND AND TO APPROPRIATE FUNDS FOR TWO POSITIONS FOR THE CONSERVATION EASEMENTS PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING AND STRENGTHEN COMMUNITIES;

H.B. 1535, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR STRUCTURAL PEST CONTROL ENFORCEMENT;

H.B. 1536, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PESTICIDE AND FOOD LABORATORY EXPANSION;

H.B. 1542, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR COMMUNITY SELF-HELP FOR ECONOMIC DEVELOPMENT PROJECTS;

H.B. 1565, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESEARCH AND DEMONSTRATION OF ENVIRONMENTALLY SOUND FARMING PRACTICES;

H.B. 1566, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MARKETING NORTH CAROLINA GROWN PRODUCTS;

H.B. 1631, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE WILLIAM STATES LEE LEADERSHIP INSTITUTE AND TO RENOVATE AND SUPPORT THE HISTORIC WHITE OAKS MANSION;

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FOOD SAFETY;

H.B. 1651, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE REQUIRED TESTING OF ANIMAL WASTE IN ORDER TO PROTECT WATER QUALITY;

H.B. 1652, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY;

H.B. 1653, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ERADICATION OF PSEUDORABIES;

H.B. 1681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY TRUST FUND;

H.B. 1718, A BILL TO BE ENTITLED AN ACT TO ADD BEAUFORT COUNTY TO THE BEAVER DAMAGE CONTROL PROGRAM AND TO APPROPRIATE FUNDS TO CONTINUE THE BEAVER DAMAGE CONTROL PROGRAM; and

H.B. 1721, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF DEVELOPING A STATE PARK IN THE AREA OF LAKE GASTON IN HALIFAX COUNTY.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Transportation:

H.B. 250, A BILL TO BE ENTITLED AN ACT TO INCLUDE THE COLLECTION OF AN EMISSIONS PENALTY IN THE LIST OF ITEMS FOR WHICH BRANCH AGENTS OF THE DIVISION OF MOTOR VEHICLES ARE COMPENSATED;

Committee Substitute for **H.B. 973,** A BILL TO BE ENTITLED AN ACT DIRECTING THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A PILOT PROGRAM THAT ALLOWS NEW MOTOR VEHICLE DEALERS TO ISSUE REGISTRATION PLATES AND TITLES FOR NEW MOTOR VEHICLES SOLD BY THEM;

Committee Substitute No. 2 for **H.B. 1229,** A BILL TO BE ENTITLED AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION THAT CAUSES THE PERSON TO BE PHOTOSENSITIVE TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE WINDOW TINTING LAWS; and

H.B. 1709, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO RECYCLE YARD TRASH AND OTHER ORGANIC SOLID WASTE IN HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Capital and Budget:

H.B. 332, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FUTURE FARMERS OF AMERICA CENTER;

H.B. 341, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE CAPACITY OF THE GATLING JUVENILE DETENTION CENTER;

H.B. 383, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC LIBRARY IN THE TOWN OF MORRISVILLE;

H.B. 384, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ESTABLISHING THE CARY MUSEUM;

H.B. 521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DYSART-KENDALL POST NO. 29, INCORPORATED, TO REPAIR THE HISTORIC AMERICAN LEGION BUILDING IN THE CITY OF LENOIR;

H.B. 552, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR A MEMORIAL TO COMMEMORATE THE HISTORIC EVENTS OF NOVEMBER OF 1898 IN THE CITY OF WILMINGTON;

H.B. 553, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HISTORIC PINE FOREST CEMETERY IN THE CITY OF WILMINGTON;

H.B. 558, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF DREXEL IN BURKE COUNTY FOR CONSTRUCTION OF PUBLIC FACILITIES ON THE TOWN'S FAIRGROUND PROPERTY;

H.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES OF THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION;

H.B. 645, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE RENOVATION OF THE HISTORIC JACKSON COUNTY COURTHOUSE;

H.B. 677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE PATTERSON SCHOOL FOUNDATION, INC., FOR CAPITAL EXPENDITURES;

H.B. 680, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PERSON COUNTY MUSEUM OF HISTORY;

H.B. 688, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT PROJECT FOR THE RURAL COUNTIES OF ANSON, MONTGOMERY, MOORE, RANDOLPH, RICHMOND, AND UNION FOR THE INSTALLATION OF NONPRESSURIZED DRY FIRE HYDRANTS;

H.B. 705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PERSON COUNTY FOR EXPANSION OF THE PERSON COUNTY COUNSELING CENTER;

H.B. 711, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PLANNING A CHILD DAY CARE FACILITY FOR STATE EMPLOYEES IN THE VICINITY OF THE STATE GOVERNMENT COMPLEX IN RALEIGH;

H.B. 764, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF AN AGRI-COMMUNITY CENTER TO BE LOCATED IN DUPLIN COUNTY;

H.B. 774, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AGRICULTURE CENTER IN HAYWOOD COUNTY;

H.B. 842, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF PEMBROKE FOR THE PURCHASE OF A NEW FIRE TRUCK;

H.B. 880, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW EXHIBIT AT THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE;

H.B. 912, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF HICKORY FOR LIBRARY NEEDS;

H.B. 917, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY;

H.B. 922, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CARRBORO TO ESTABLISH A MUSIC FESTIVAL;

H.B. 924, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO JONES COUNTY FOR CAPITAL IMPROVEMENTS TO THE COUNTY'S CIVIC CENTER;

H.B. 937, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FOUNTAIN FOR CAPITAL IMPROVEMENTS TO ITS PUBLIC LIBRARY;

H.B. 953, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REMOVE HURRICANE DEBRIS FROM RIVERS AND OTHER PUBLIC-MAINTAINED DRAINAGE WAYS IN JONES COUNTY IN ORDER TO PROTECT PUBLIC HEALTH AND TO PREVENT FURTHER WATER QUALITY DEGRADATION;

H.B. 962, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW JAIL IN SWAIN COUNTY;

H.B. 1003, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE PROCESS FOR CAPITAL IMPROVEMENT PLANNING AND BUDGETING;

H.B. 1060, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CENTRAL CHILDREN'S HOME OF NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS;

H.B. 1168, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION FOR THE INDIAN CULTURAL CENTER AND THE NORTH CAROLINA STATE COMMISSION OF INDIAN AFFAIRS;

H.B. 1169, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A PUBLIC LIBRARY IN THE TOWN OF PEMBROKE;

H.B. 1176, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GRANVILLE COUNTY FOR THE MAINTENANCE AND CARE OF THE HISTORICAL CEMETERIES;

H.B. 1178, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE RESTORATION OF THE CENTURY POST OFFICE MUSEUM IN THE TOWN OF WINTON;

H.B. 1181, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HIDDENITE CENTER, INC., FOR CAPITAL IMPROVEMENTS TO ITS FACILITY;

H.B. 1184, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE YATES MILL HISTORICAL SITE;

H.B. 1186, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND APPROPRIATE FUNDS FOR A STATE-COUNTY IN-HOME SPECIAL ASSISTANCE DEMONSTRATION PROJECT;

H.B. 1208, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE PRESERVATION OF QUEEN ANNE'S REVENGE;

H.B. 1213, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL POLICE OFFICERS IN THE DEPARTMENT OF HUMAN RESOURCES AND TO APPROPRIATE FUNDS FOR THE JUVENILE EVALUATION CENTER IN BUNCOMBE COUNTY;

H.B. 1214, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO VARIOUS NONPROFIT ORGANIZATIONS IN HOUSE DISTRICT FORTY-NINE FOR CAPITAL IMPROVEMENTS;

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNITED ARTS COUNCIL OF RALEIGH AND WAKE COUNTY, INC., TO SUPPORT THE COUNCIL'S ART PROGRAMS;

H.B. 1249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE GREATER JACKSONVILLE-ONSLOW FARMERS MARKET;

H.B. 1346, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CRAVEN COUNTY TO DREDGE NORTHWEST CREEK;

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PAINTING AND REPAIRING THE HISTORIC LUCAS MANSION IN ALEXANDER COUNTY;

H.B. 1375, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE HIGHSMITH

CENTER AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE;

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOYS AND GIRLS HOMES OF NORTH CAROLINA, INC., TO ENLARGE AND RENOVATE THE AGRICULTURAL ARENA AT LAKE WACCAMAW;

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MACON COUNTY FAIR ASSOCIATION, INC., TO UPGRADE ITS REST ROOMS AND AIR-CONDITIONING SYSTEMS;

H.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSIST WITH THE RELOCATION OF THREATENED STRUCTURES AND TO ACQUIRE COASTAL SHORELINE PROPERTY RENDERED UNBUILDABLE UNDER CAMA RULES BY BEACH EROSION;

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN EARLY CHILDHOOD EDUCATIONAL CENTER AT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE;

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR THE UPPER COASTAL PLAIN COUNCIL OF GOVERNMENTS' SMALL BUSINESS REVOLVING LOAN FUND;

H.B. 1437, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CERTAIN LOCAL PROJECTS IN IREDELL AND CATAWBA COUNTIES;

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA;

H.B. 1506, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE SOUTHEASTERN NORTH CAROLINA AGRICULTURAL CENTER AND HORSE ARENA IN ROBESON COUNTY;

H.B. 1562, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE USED TO RESURFACE THE DRIVES AND PARKING AREAS OF THE CENTRAL NORTH CAROLINA SCHOOL FOR THE DEAF;

H.B. 1592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STOKES COUNTY MOUNTAIN RESCUE TEAM TO IMPLEMENT THE CARE TRAK SYSTEM IN AN ELEVEN COUNTY REGION;

H.B. 1600, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR PLANNING AND INITIAL DEVELOPMENT OF A REGIONAL PUBLIC SAFETY TRAINING CENTER AT THE NORTH CAMPUS OF THE CAPE FEAR COMMUNITY COLLEGE;

H.B. 1605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE STUDY OF THE STATE PSYCHIATRIC HOSPITALS, AND FOR ADVANCED PLANNING FOR A NEW PSYCHIATRIC HOSPITAL AT DOROTHEA DIX HOSPITAL;

H.B. 1627, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF A TEXTILE MUSEUM IN THE TOWN OF ERWIN IN HARNETT COUNTY;

H.B. 1628, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR A MULTIPURPOSE BUILDING FOR ECONOMIC DEVELOPMENT AND TRAINING PURPOSES IN THE TOWN OF WARSAW IN DUPLIN COUNTY;

H.B. 1632, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION, PLANNING AND DESIGN OF TWO ACADEMIC FACILITIES AT THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE;

H.B. 1670, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES AT THE PENLAND SCHOOL OF CRAFTS;

H.B. 1678, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE EXPLORIS CHILDREN'S MUSEUM ABOUT THE WORLD;

H.B. 1679, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESTORATION AND RECONSTRUCTION OF HISTORIC ST. PHILIPS CHURCH AND CONSTRUCTION OF THE NORTH CAROLINA HERITAGE EDUCATION CENTER AT OLD SALEM;

H.B. 1682, A BILL TO BE ENTITLED AN ACT TO DESIGN, CONSTRUCT, AND EQUIP THE WATSON SCHOOL OF EDUCATION BUILDING AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON;

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE TOBACCO MUSEUM AT THE DUKE HOMESTEAD STATE HISTORIC SITE;

H.B. 1686, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENO RIVER STATE PARK;

H.B. 1690, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR CAPITAL IMPROVEMENTS, LAND ACQUISITION, AND AGRICULTURAL RESEARCH AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

H.B. 1694, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR THE ROOF OF THE HAMLET OPERA HOUSE;

H.B. 1697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ECONOMIC DEVELOPMENT PROJECTS IN JONES COUNTY;

H.B. 1699, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIR BLUFF FOR EMERGENCY WATER AND SEWER REPAIRS;

H.B. 1722, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE MEDOC MOUNTAIN STATE PARK LOCATED IN HALIFAX COUNTY;

H.B. 1726, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GENERAL WILLIAM C. LEE MEMORIAL COMMISSION, INC., FOR THE ESTABLISHMENT OF A MILITARY MUSEUM;

H.B. 1729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROSEBORO FOR RENOVATION AND RESTORATION PROJECTS;

H.B. 1731, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF SALEMBURG FOR RENOVATION AND RESTORATION PROJECTS;

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RENOVATION AND RESTORATION PROJECTS OF THE TOWNS ON TOPSAIL ISLAND;

H.B. 1740, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGE SYSTEM FOR REPAIRS AND RENOVATIONS;

H.B. 1741, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF A BUILDING AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE; and

H.B. 1750, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF WILMINGTON TO BE ALLOCATED TO THE SOUTHEASTERN CONVENTION COMMISSION FOR PLANNING A CONVENTION CENTER IN SOUTHEASTERN NORTH CAROLINA.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Education:

H.B. 399, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENGLISH AS A SECOND LANGUAGE PROGRAM;

H.B. 555, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL NURSES;

H.B. 556, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MAINTAIN THE CURRENT LEVEL OF SERVICES TO PERSONS WITH AUTISM;

Committee Substitute for **H.B. 979,** A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS;

Committee Substitute for **H.B. 1154,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF SAFE SCHOOL PLANS AND TO HOLD PRINCIPALS ACCOUNTABLE FOR THE SAFETY OF SCHOOLS;

H.B. 1183, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A CIVIC EDUCATION PROGRAM FOR MIDDLE SCHOOL CLASSES;

H.B. 1198, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE INTEREST ACCUMULATED EACH QUARTER BY THE SAVINGS RESERVE ACCOUNT TO THE SCHOOL TECHNOLOGY FUND AND TO APPROPRIATE FUNDS FOR THE SCHOOL TECHNOLOGY FUND;

Committee Substitute for **H.B. 1199,** A BILL TO BE ENTITLED AN ACT TO PROVIDE MONETARY INCENTIVES FOR ACADEMIC EXCELLENCE;

H.B. 1218, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE ADULT/STUDENT RATIO IN KINDERGARTEN THROUGH THIRD GRADE;

H.B. 1262, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL UTILITY COSTS;

H.B. 1386, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND AND UPGRADE THE COMMUNITY LINK PROGRAM TO PROVIDE ADDITIONAL EDUCATIONAL SERVICES TO WESTERN NORTH CAROLINA;

H.B. 1428, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS FOR PROGRAMS TO SERVE LIMITED ENGLISH PROFICIENCY STUDENTS;

H.B. 1430, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE PROGRAMS OF THE NATURAL

RESOURCE LEADERSHIP INSTITUTE SPONSORED BY THE COOPERATIVE EXTENSION SERVICE AT NORTH CAROLINA STATE UNIVERSITY;

H.B. 1532, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE MODEL TEACHER EDUCATION CONSORTIUM;

H.B. 1548, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA FOR THE INTERNSHIP PROGRAM AT THE INSTITUTE OF GOVERNMENT;

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOW-WEALTH SCHOOL SYSTEMS' SUPPLEMENTAL FUNDING;

H.B. 1563, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTERNATIONAL BACCALAUREATE PROGRAM;

H.B. 1598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENABLE THE CUED SPEECH CENTER TO PROVIDE SERVICES TO HEARING IMPAIRED CHILDREN;

H.B. 1620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL NURSES;

H.B. 1634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION BUDGET FUNDS FOR THE COMMUNITY COLLEGE SYSTEM;

H.B. 1635, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ROANOKE-CHOWAN COMMUNITY COLLEGE;

H.B. 1671, A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR TEACHER ASSISTANT SALARY INCREASES AND TO MODIFY THE TERMS OF EMPLOYMENT FOR TEACHER ASSISTANTS;

H.B. 1672, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF PRINCIPALS AND ASSISTANT PRINCIPALS;

H.B. 1673, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF ALL CERTIFIED PUBLIC SCHOOL EMPLOYEES, AND TO APPROPRIATE FUNDS TO DEVELOP EVALUATION INSTRUMENTS AND TO CREATE ASSESSMENT TEAMS;

H.B. 1674, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING PRINCIPALS IN LOW-PERFORMING SCHOOLS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, AND TO PROVIDE FUNDS FOR STAFF DEVELOPMENT;

H.B. 1675, A BILL TO BE ENTITLED AN ACT TO ADJUST SCHOOL FUNDING FORMULAS TO REFLECT CHANGES IN AVERAGE DAILY MEMBERSHIP AND TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME;

H.B. 1676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPENSATE TEACHERS FOR WORKING MORE DAYS IN ONE SCHOOL YEAR THAN IN THE PRIOR SCHOOL YEAR;

H.B. 1695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME;

H.B. 1723, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY INCREASE TO TEACHERS IN LOW-PERFORMING SCHOOLS THAT ARE ASSIGNED ASSISTANCE TEAMS;

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BILINGUAL TEACHER ASSISTANT DEMONSTRATION PROGRAM; and

H.B. 1751, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE LIFEBOAT SCHOLARSHIPS TO STUDENTS

ASSIGNED TO THE LOW-PERFORMING SCHOOLS THAT HAVE STATE ASSISTANCE TEAMS.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Human Resources:

Committee Subcommittee for **H.B. 73,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR MEDICAL ASSISTANCE;

H.B. 131, A BILL TO BE ENTITLED AN ACT TO EXTEND THE ACTIVITIES OF THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

Committee Substitute for **H.B. 166,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND FUND PHYSICAL FITNESS PROGRAMS AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 167, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE ESTABLISHMENT OF A CARDIOVASCULAR DISEASE HEALTH OUTCOME DATA UNIT, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 171, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 551, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS;

H.B. 557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AUTISM FOUNDATION OF NORTH CAROLINA FOR THE COMPLETION OF SEVERAL CAPITAL PROJECTS;

H.B. 561, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COALITION 2001;

H.B. 662, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO L.I.F.E. CENTER, INC., FOR CAPITAL COSTS IN EXPANDING A FACILITY FOR USE AS AN ADULT DAY CARE CENTER;

H.B. 667, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADULT DEVELOPMENTAL VOCATIONAL PROGRAMS, AS RECOMMENDED BY THE TASK FORCE TO DETERMINE THE MINIMUM REIMBURSEMENT RATE FOR ADULT DEVELOPMENTAL ACTIVITY PROGRAMS;

H.B. 716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ADULT DAY CARE PROGRAM;

H.B. 717, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OPERATION, CONSTRUCTION, AND RENOVATION OF SENIOR CENTERS;

H.B. 827, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 857, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES TO PROVIDE EARLY INTERVENTION SERVICES FOR CHILDREN UNDER THREE WITH OR AT RISK FOR DISABILITIES;

H.B. 858, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA ADDICTION RESEARCH AUTHORITY;

H.B. 863, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CUMBERLAND SHELTERED WORKSHOP;

H.B. 906, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE PLACEMENT FOR ADOPTION OF SPECIAL NEEDS AND OTHER CHILDREN;

H.B. 910, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE "TOUCHING THE LIVES OF FAMILIES" PROGRAM;

H.B. 913, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OSTEOPOROSIS PREVENTION TASK FORCE, AND TO APPROPRIATE FUNDS THEREFOR;

H.B. 931, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 932, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR THE IMPROVED TREATMENT OF SCHIZOPHRENIA AND TO STUDY ITS EFFECTIVENESS;

H.B. 941, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE THE INDEPENDENT LIVING REHABILITATION PROGRAM WITH THE RESOURCES NECESSARY FOR MORE SERVICE AND STAFF PARITY AMONG EXISTING OFFICES, TO SERVE CLIENTS MORE QUICKLY AND EFFECTIVELY AND REDUCE CLIENT BACKLOG, AND TO COMPLETE THE 1996 LEGISLATIVE INITIATIVE FOR INDEPENDENT LIVING;

H.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO FIND SAFE, PERMANENT HOMES FOR ABUSED AND NEGLECTED CHILDREN;

H.B. 1159, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT LOCAL MOSQUITO CONTROL DISTRICTS AND OTHER UNITS OF LOCAL GOVERNMENT ENGAGED IN MOSQUITO CONTROL;

H.B. 1190, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF VOCATIONAL REHABILITATION, FOR COMMUNITY REHABILITATION PROGRAMS FACILITIES AND EQUIPMENT IMPROVEMENTS;

H.B. 1216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW STATE CHILD SUPPORT OFFICE IN ANSON COUNTY;

H.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF AGING, DEPARTMENT OF HEALTH

AND HUMAN SERVICES, FOR VOLUNTEER DEVELOPMENT PROGRAMS;

H.B. 1295, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE "TOUCHING THE LIVES OF FAMILIES" PROGRAM;

H.B. 1297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE MEDICAID BENEFITS TO CERTAIN AGED AND DISABLED PERSONS;

H.B. 1298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS FOR SENIOR CENTERS;

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTERS;

H.B. 1300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AREA AGENCIES ON AGING;

H.B. 1363, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOOD BANK OF NORTHWEST NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY;

H.B. 1458, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 1459, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE "BE ACTIVE NORTH CAROLINA (BANC)" INITIATIVE AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 1460, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT OF A CARDIOVASCULAR HEALTH DATA UNIT AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 1482, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DETENTION CENTER IN GUILFORD COUNTY;

H.B. 1500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MANNA FOOD BANK FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY AND THE PURCHASE OF A TRUCK;

H.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS;

H.B. 1551, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED OPERATION OF THE METHODIST HOME FOR CHILDREN'S "BRIDGES PROJECT";

H.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF GENETIC HEALTH CARE SERVICES TO ASSIST IN THE PREVENTION OF INFANT MORTALITY AND OTHER DISEASES AND DISABILITIES RELATED TO GENETIC DISORDERS;

H.B. 1603, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.;

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 1623, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTENSIVE FAMILY PRESERVATION PROGRAMS IN SIX ADDITIONAL COUNTIES;

H.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SENIOR PHARMASSIST PROGRAM IN DURHAM COUNTY;

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 1691, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR THE CREATION OF AN INNOVATIVE

PARENTING PROGRAM TO ASSIST SINGLE PARENTS IN COMPLETING THEIR EDUCATION AND BECOMING SELF-RELIANT;

H.B. 1692, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WELFARE WORK FIRST PROGRAM, TO MAKE IT MORE EQUITABLE AND UNIFORMLY APPLIED, AND TO APPROPRIATE FUNDS;

H.B. 1710, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN STAFFING RATIOS FOR ADULT CARE HOMES AND TO APPROPRIATE FUNDS THEREFOR;

H.B. 1711, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE PERTAINING TO RATE-SETTING METHODS FOR ADULT CARE HOMES, TO REQUIRE STAFFING RATIOS FOR CERTAIN ADULT CARE HOMES, AND TO APPROPRIATE FUNDS FOR CERTAIN STAFFING REQUIREMENTS;

H.B. 1716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUING WORK OF THE OSTEOPOROSIS TASK FORCE;

H.B. 1720, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO APPROPRIATE FUNDS THEREFOR;

H.B. 1742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BLUE RIDGE AREA MENTAL HEALTH CENTER TO INCREASE CONTRACTED BED UTILIZATION AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.;

H.B. 1746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS;

House Committee Substitute for **S.B. 1015,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROGRAM FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN TO BE KNOWN AS THE WORK FIRST PROGRAM, TO ESTABLISH THE FIRST STOP EMPLOYMENT ASSISTANCE PROGRAM AND DEVELOP A STUDY OF THE WORKING POOR IN COUNTIES, TO ENCOURAGE

STATE HIRING OF WORK FIRST RECIPIENTS, TO REQUIRE SUBSTANCE ABUSE TREATMENT AND DRUG TESTING OF WORK FIRST RECIPIENTS, TO PROVIDE FOR INCREASED CHILD CARE SUBSIDIES, TO PROVIDE CHILDREN IN WORK FIRST FAMILIES PRIORITY IN EARLY CHILDHOOD INITIATIVES PROGRAMS, TO ELIMINATE THE COMMISSION ON THE FAMILY, TO ESTABLISH AND APPROPRIATE FUNDS FOR THE INDIVIDUAL DEVELOPMENT ACCOUNT PROJECT, TO RETAIN AND REINVEST FUNDS RECOVERED FOR WORK FIRST FRAUD AND ABUSE IN COUNTIES FOR PROGRAM INTEGRITY, TO ESTABLISH AND APPROPRIATE FUNDS FOR THE JOINT LEGISLATIVE PUBLIC ASSISTANCE COMMISSION, TO PERMIT A LEGISLATIVE RESEARCH COMMISSION STUDY TO STUDY ISSUES RELATING TO THE MEDICAL ASSISTANCE PROGRAM AND THE STATE-COUNTY SPECIAL ASSISTANCE PROGRAM, TO ESTABLISH THE OFFICE OF INSPECTOR GENERAL IN THE DEPARTMENT OF HUMAN RESOURCES, TO ELIMINATE THE SOCIAL SERVICES COMMISSION, TO APPROPRIATE FUNDS TO ESTABLISH A BIOMETRIC IDENTIFICATION SYSTEM AND FUND ONE PROGRAM INTEGRITY WORKER IN EACH COUNTY, TO ESTABLISH A RESERVE OF TANF FUNDS, AND TO MAKE NECESSARY STATUTORY AND CONFORMING CHANGES; and

H.B. 1150, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOOD BANK OF NORTHWEST NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on Justice and Public Safety:

H.B. 140, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY STUDY COMMISSION;

H.B. 162, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES;

H.B. 169, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO CONTINUE THE COMMISSION;

Committee Substitute for **H.B. 218,** A BILL TO BE ENTITLED AN ACT TO RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES;

H.B. 449, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANDING THE DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE PROGRAM AS PART OF THE GOVERNOR'S DRIVING WHILE IMPAIRED INITIATIVES;

H.B. 573, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE COURTS FOR PROJECT CHALLENGE, A COMMUNITY SERVICE PROGRAM FOR JUVENILES;

H.B. 654, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TRANSFER OF ROCKINGHAM CORRECTIONAL CENTER TO ROCKINGHAM COUNTY;

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND APPROPRIATE FUNDS FOR A JUVENILE ASSESSMENT CENTER PROJECT AND TO ESTABLISH AN ADVISORY BOARD TO MAKE RECOMMENDATIONS REGARDING THE PROJECT;

H.B. 938, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS;

H.B. 975, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF FUNDS BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR ANNUAL BONUSES FOR ENLISTED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD WHO HAVE COMPLETED THEIR INITIAL SIX YEAR TERM OF SERVICE;

H.B. 986, A BILL TO BE ENTITLED AN ACT TO RAISE THE REIMBURSEMENT TO COUNTIES FOR STATE INMATES HOUSED IN LOCAL CONFINEMENT FACILITIES;

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO PERMANENTLY ASSIGN A HIGHWAY PATROL HELICOPTER AND THE NECESSARY OPERATING PERSONNEL TO ASHEVILLE TO SERVE THE WESTERN PART OF THE STATE;

H.B. 1148, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS AND ESTABLISH GUIDELINES FOR TEEN COURT PROGRAMS;

H.B. 1163, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DANGEROUS OFFENDER TASK FORCE IN WAKE COUNTY;

H.B. 1185, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TEEN COURT PROGRAM IN ORANGE COUNTY;

H.B. 1614, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION FUNDS FOR THE MEDIATION CENTER IN BUNCOMBE COUNTY;

H.B. 1680, A BILL TO BE ENTITLED AN ACT TO AMEND THE MAGISTRATES' PAY SCHEDULE ACCORDING TO COUNTY POPULATION; and

H.B. 1733, A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH.

Representative Holmes, Senior Ranking Member and Co-Chair for the Standing Committee on Appropriations, refers the following bills to the Permanent Subcommittee on General Government:

H.B. 106, A BILL TO BE ENTITLED AN ACT TO ENHANCE COMPLIANCE AND ENFORCEMENT OF EXISTING TAX LAWS BY APPROPRIATING FUNDS TO EXPAND THE NUMBER OF AUDITORS AND SUPPORT PERSONNEL IN THE INTERSTATE AUDIT DIVISION OF THE DEPARTMENT OF REVENUE, AND TO

PROVIDE THAT PERSONNEL WHO ADMINISTER THE INSURANCE GROSS PREMIUMS TAX SHALL CONTINUE TO BE FUNDED FROM THE INSURANCE REGULATORY CHARGE;

H.B. 345, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOMESTIC VIOLENCE PREVENTION AND PROGRAMS;

H.B. 805, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH A BATTERERS' PROGRAM TO SERVE BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES;

H.B. 911, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SEXUAL ASSAULT PREVENTION AND PROGRAMS;

H.B. 960, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO FUND A NEW VISITING ARTISTS PROGRAM;

H.B. 1215, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE OFFICE OF ADMINISTRATIVE HEARINGS CONCERNING INJUNCTIVE RELIEF AND TO ADD TWO POSITIONS TO THAT OFFICE;

H.B. 1517, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO SUPPORT THE JOHN MOTLEY MOREHEAD MEMORIAL COMMISSION;

H.B. 1521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HUMANITIES COUNCIL;

H.B. 1530, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR NEW ADMINISTRATIVE LAW JUDGE POSITIONS;

H.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE VOLUNTEER FIRE DEPARTMENT AND VOLUNTEER RESCUE/EMS FUNDS AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES;

H.B. 1727, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF ARCHIVES AND HISTORY FOR A

MILITARY ARCHIVES TO COLLECT HISTORICAL DATA AND INFORMATION ON NORTH CAROLINA MILITARY VETERANS; and

S.B. 545, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE REGARDING THE DISPOSITION OF OBJECTS FROM THE COLLECTIONS OF THE MUSEUM OF NATURAL SCIENCES.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL, which passed the Senate by a three-fifths majority vote, is read the first time and referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

Committee Substitute No. 2 for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, is read the first time and referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, is read the first time and referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Capps and Davis:

H.B. 1757, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE JULY 1, 1998, is referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1475, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 98.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Nesbitt, Sherrill, and Wood - 14.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1637,** A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1638,** A BILL TO BE ENTITLED AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1278,** A BILL TO BE ENTITLED AN ACT TO ALLOW CALDWELL, LENOIR, MITCHELL AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry,

Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1528,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1222,** A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Bowie, Brawley, Culpepper, Decker, Esposito, Gamble, Gray, Hurley, McAllister, Moore, Sherrill, and Wood - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 321,** A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute No. 2.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1540,** A BILL TO BE ENTITLED AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1610, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1453,** A BILL TO BE ENTITLED AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1380,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS' ENTRY INTO ABC-LICENSED PREMISES IN CUMBERLAND COUNTY, is withdrawn from today's Calendar and placed on the Calendar of June 24.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1591, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THAT COUNTY, passes its second

reading, by electronic vote (100-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

INTRODUCTION OF PAGES

Pages for the week of June 22 are introduced to the membership. They are: Elizabeth Allran of Catawba; Nathan Lee Auman of Randolph; David Meltzer Bentley of Durham; Adara Jonitta Bowser of Durham; Jonathan Brubaker of Randolph; Ian Callahan of Columbus; Kristen Sullivan Connors of Alamance; Jennie Rhyne Currin of Alamance; Phillip Hampton Feagan of Polk; Karen Marie Gupton of Wake; Laura Dale Gupton of Wake; Courtney Michelle Haynie of Madison; Cameron Rose Howes of Orange; Catherine Rae Howes of Orange; Sundi Dawn Jordan of Davie; Khristen Meredith Langdon of Davie; Heather Celeste Ledford of Gaston; Francis Daniel McComas of New Hanover; Shaun Michael McComas of New Hanover; Jennifer Monroe of Columbus; Nicole Monroe of Columbus; Afton Alexis Mosley of Wake; Leigh Newsome of Columbus; Elizabeth Hill Parker of Johnston; Kyle Michaud Patterson of Davidson; Melissa Toney of Columbus; Anne Simmons Tucker of Mecklenburg; and Melissa Brandy Warren of Wake.

RE-REFERRALS

On motion of Representative Creech, the following bills are withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance:

Committee Substitute for **H.B. 170,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FUNERAL EXPENSES FROM SALES TAX;

Committee Substitute for **H.B. 919,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE AMOUNT OF MOTOR FUEL TAX PAID ON FUEL USED IN BOATS SHALL BE EARMARKED FOR USE FOR CONTROL OF AQUATIC WEEDS, RECREATIONAL PROJECTS, AND LAKE ADMINISTRATION BUILDINGS; and

H.B. 1128, A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS.

On motion of Representative Morgan, seconded by Representative Bonner, the House adjourns at 7:34 p.m. to reconvene June 23 at 2:00 p.m.

ONE HUNDRED FORTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 23, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Russell E. Williams.

"Lord God, Creator, and Caring Father, You have taught us the meaning of love, and how to love by example. Now, our lives and how we live define our love for You.

"Father, You know us from our beginning and have established us before You to do those things which are pleasing in Your sight. Thank You Lord for the opportunity, in these sessions of the Legislature, to continue the greatest freedom to express our love for You the world has ever known.

"Wonderful Mighty God, yesterday while in prayer, You, Everlasting Father, blessed us; and not only us, but also our President, Mr. Clinton, our Governor, Mr. Hunt, and our Speaker, Mr. Brubaker. Now we pray in the name of Hope, Peace, Love, and Truth, that we through Your blessing may be a blessing to others, and to You.

"In Your name we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 22 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (96-1).

Leaves of absence are granted Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood for today.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1246, AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1251, AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF LITTLETON AND TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR. (S.L. 1998-11)

H.B. 1289, AN ACT PERMITTING THE ROWAN-SALISBURY BOARD OF EDUCATION TO CONVEY TO THE ROWAN COUNTY VOCATIONAL WORKSHOP, INC., ITS REMAINING INTEREST IN THE PROPERTY PREVIOUSLY CONVEYED TO THAT ENTITY. (S.L. 1998-12)

H.B. 1407, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS. (S.L. 1998-13)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Brown for the Committee on Agriculture:

H.B. 1442, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I.

The bill is re-referred to the Committee on Judiciary I.

H.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO A NONREVERTING RESERVE FOR THE START-UP COSTS OF THE SOUTHERN DAIRY COMPACT COMMISSION AND THE INITIAL COSTS OF ADMINISTERING AND ENFORCING THE SOUTHERN DAIRY COMPACT AND TO PROVIDE FOR THE REPAYMENT OF THOSE FUNDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1560, A BILL TO BE ENTITLED AN ACT TO PROVIDE ASSISTANCE FOR SMALL, FAMILY-OWNED FARMS THROUGH GRANTS AND LOANS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PIEDMONT TRIAD FARMERS MARKET, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1567, A BILL TO BE ENTITLED AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL ADVERTISING IN ANSON COUNTY, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN

CURRITUCK COUNTY, with a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I.

The bill is re-referred to the Committee on Judiciary I.

H.B. 1579, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF MONTGOMERY TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE TO THE COUNTY OF MONTGOMERY, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE OCCONEECHEE GUT IN NORTHAMPTON COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

Committee Substitute for **S.B. 1182,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with

approval of standing committee co-chairs for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1504,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 24.

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 24.

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **H.B. 1622,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE AND FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

House Committee Substitute for **S.B. 186,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A

TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Capps for the Permanent Subcommittee on Preschool, Elementary, and Secondary Education of the Standing Committee on Education, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

H.B. 1719, A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM DEVELOPMENT AUTHORITY, is read the first time and referred to the Committee on Local and Regional Government I.

CALENDAR

Action is taken on the following:

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt,

Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-0).

Committee Substitute for **H.B. 1637,** A BILL TO BE ENTITLED AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-0).

Committee Substitute for **H.B. 1638,** A BILL TO BE ENTITLED AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-0).

Committee Substitute for **H.B. 1278,** A BILL TO BE ENTITLED AN ACT TO ALLOW CALDWELL, LENOIR, MITCHELL AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee,

Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-0).

Committee Substitute for **H.B. 1528,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (107-0).

Committee Substitute for **S.B. 1222,** A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Culpepper, Esposito, Gamble, McAllister, Moore, Warwick, and Wood - 9.

H.B. 1362, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1252,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CRIMINAL PENALTIES IN TAX CASES SHALL BE REMITTED TO THE SCHOOL FUND OF THE COUNTY IN WHICH THE VIOLATION OCCURRED, passes its second reading, by electronic vote (91-18), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 124,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representative Capps for the Permanent Subcommittee on Preschool, Elementary, and Secondary Education of the Standing Committee on Education, with approval of standing committee co-chairs for report to be made directly to the floor of the House:

H.B. 1558, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Aldridge, the House adjourns at 3:09 p.m. to reconvene June 24 at 2:00 p.m.

ONE HUNDRED FIFTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, June 24, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O God, as You anointed leaders and called prophets of old, lead us to recognize our true representatives and authentic leaders: men and women who love Your people and can walk with them, who feel their pain and share their joys, who dream their dreams and strive to accompany them to their common goal.

"In Your fire, with Your Spirit, embolden and commission us to transform our political system, to serve Your people, and to bring real glory to Your name. Amen." (United Methodist Book of Worship)

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 23 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-1).

Leaves of absence are granted Representatives Adams, Esposito, Gamble, Mercer, McAllister, and Moore for today.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1222, AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1246, AN ACT TO MODIFY THE PURPOSES FOR WHICH DAVIE OCCUPANCY TAX PROCEEDS MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAW. (S.L. 1998-14)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO THE FEDERAL TOBACCO SETTLEMENT, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1356, A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC ENTITIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1327,** A BILL TO BE ENTITLED AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES AND TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Dockham for the Committee on Insurance:

H.B. 1429, A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1568, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

S.B. 1397, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, with a favorable report as to House committee substitute bill, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

House Committee Substitute for **S.B. 452,** A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

Committee Substitute No. 2 for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

H.B. 1435, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Neely for the Committee on Judiciary II:

H.B. 1361, A BILL TO BE ENTITLED AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1739, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE

EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Pensions and Retirement.

The committee substitute bill is re-referred to the Committee on Pensions and Retirement. The original bill is placed on the Unfavorable Calendar.

By Representative Barbee for the Committee on Pensions and Retirement:

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A PART-TIME TEACHER OR STATE EMPLOYEE AND TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A LOCAL GOVERNMENTAL EMPLOYEE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1525, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 25.

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of June 25.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Capps, Aldridge, Allred, Arnold, Baker, Barbee, Beall, Berry, Bonner, Bowie, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Creech, Culp, Daughtry, Davis, Decker, Dickson, Eddins, Ellis, Gardner, Goodwin, Grady, Gray, Hall, Hardy, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Insko, Jarrell, Kiser, McCombs, McCrary, McMahan, Mercer, Mitchell, Morris, Mosley, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Tallent, Tolson, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue.

H.J.R. 1758, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1494,** A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN LEE COUNTY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Adams, Esposito, Gamble, McAllister, Mercer, and Moore - 6.

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Adams, Esposito, Gamble, McAllister, Mercer, and Moore - 6.

Committee Substitute for **H.B. 1504,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Adams, Esposito, Gamble, McAllister, Mercer, and Moore - 6.

Committee Substitute for **H.B. 1380,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS' ENTRY INTO ABC-LICENSED PREMISES IN CUMBERLAND COUNTY.

Representative Capps offers Amendment No. 1.

Representative Hensley inquires of the Chair if an amendment to a local bill is eligible for consideration pursuant to **H.J.R. 306**, Section 1(4). The Chair rules the amendment is properly before the Body.

Amendment No. 1 fails of adoption by electronic vote (37-70).

Representative Clary offers Amendment No. 2 which is adopted by electronic vote (91-16). This amendment changes the title.

Representative Hightower states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (92-15).

The bill, as amended, passes its second reading by electronic vote (87-22). The caption having been amended, the bill remains on the Calendar.

Pursuant to Rule 36(a), the following resolution appears on today's Calendar.

H.J.R. 1755, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, fails to pass its second reading, by electronic vote (62-45), for lack of a two-thirds majority.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 78,** A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE SEXUAL HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION.

Representative Justus moves that the bill be withdrawn from the Calendar and placed on the Calendar of June 29. The motion fails by electronic vote (13-95).

Representative Allred offers Amendment No. 1.

Representative Daughtry inquires of the Chair if the amendment is germane to the title of the bill. The Chair rules the amendment is not in order. The amendment is returned to Representative Allred.

The bill passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE PROCUREMENT PROCESS, passes its second reading by electronic vote (109-0).

Representative Ellis objects to the third reading. The bill remains on the Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1597, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF SAMUEL JAMES ERVIN, IV MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Hightower, the House adjourns at 3:10 p.m. to reconvene June 25 at 11:00 a.m.

ONE HUNDRED FIFTY-FIRST DAY

HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O Eternal God, in whose appointment our life stands, and who committed our work to us, we commit our cares to you.

"We thank You that we are Your children, and that You have assured us that, while we are intent upon Your will, You will heed our wants.

"Fill us with that compassion for others' troubles which comes from forgetfulness of our own; with the charity of those who know their own unworthiness; and with the glad hope of the children of eternity.

"And to You, the Beginning and the End, be thanks and praise for ever. Amen." (United Methodist Book of Worship)

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 24 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-0).

Leaves of absence are granted Representatives Cunningham, Esposito, Gamble, McAllister, Moore, Neely, Smith, and Thompson for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF SEAT BELTS ON SCHOOL ACTIVITY BUSES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER

CHANGES IN THE MOTOR FUEL TAX LAWS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1462, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE EACH NEW SEPTIC TANK SYSTEM TO USE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO DEVELOP STANDARDS FOR THESE DEVICES, TO ADOPT THESE REQUIREMENTS AND STANDARDS BY TEMPORARY RULES, AND TO CONSIDER WHETHER, FOR SYSTEMS THAT USE THESE NEW DEVICES, THE CURRENT REQUIREMENT THAT THE SITE MUST INCLUDE A SEPARATE REPAIR AREA CAN BE AMENDED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1621, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DEMONSTRATION PROGRAM FOR PERMITTING AND CLOSELY MONITORING ANIMAL WASTE MANAGEMENT SYSTEMS THAT DO NOT USE AN ANAEROBIC LAGOON FOR THE PRIMARY METHOD OF DISPOSING OF ANIMAL WASTE FOR THE PURPOSE OF IDENTIFYING OTHER FEASIBLE ANIMAL WASTE MANAGEMENT TECHNOLOGIES, reported without prejudice and with recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1319, A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar on June 29.

By Representative Capps for the Permanent Subcommittee on Preschool, Elementary, and Secondary Education of the Standing Committee on Education, with approval of standing committee co-chair for report to be made directly to the floor of the House:

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE FLEXIBILITY, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1488, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

Committee Substitute for **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1333, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, is read the first time and referred to the Committee on Local and Regional Government II and, if favorable, to the Committee on Finance.

Committee Substitute for **S.B. 1410,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, is read the first time and referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

CALENDAR

Action is taken on the following:

H.B. 1660, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Blue, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert,

Starnes, Sutton, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Cunningham, Esposito, Gamble, McAllister, Moore, Neely, Smith, and Thompson - 8.

H.B. 1661, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Blue, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Cunningham, Esposito, Gamble, McAllister, Moore, Neely, Smith, and Thompson - 8.

Committee Substitute for **H.B. 1504,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Blue, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown,

Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Cunningham, Esposito, Gamble, McAllister, Moore, Neely, Smith, and Thompson - 8.

Committee Substitute for **H.B. 1380,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS' ENTRY INTO ABC-LICENSED PREMISES IN CUMBERLAND COUNTY.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1277, A BILL TO BE ENTITLED AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1525, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1538, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1622,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WALLACE AND FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE OCCONEECHEE GUT IN NORTHAMPTON COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1355, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE PROCUREMENT PROCESS, passes its third reading, by electronic vote (102-1), and is ordered sent to the Senate.

Representative Hardy states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (103-0).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1182,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT,

passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

SUBCOMMITTEE REFERRAL

Representative Gray, Senior Ranking Member and Co-Chair for the Standing Committee on Finance, refers Committee Substitute for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, to the Permanent Subcommittee on Local, Regional, and State Revenues.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1182, AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT.

On motion of Representative Morgan, seconded by Representative Holmes, the House adjourns at 11:19 a.m. to reconvene Monday, June 29, 1998, at 7:00 p.m.

ONE HUNDRED FIFTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, June 29, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"As You have made this day, O God, You also call us to our work. Give light for our work. Come upon us with quietness and still our souls so that we may listen for the whisper of Your Spirit and be sensitive to Your nearness in our work and in our play. Empower us to rise again in new life to proclaim Your praise and to show Your love and Your grace and our compassion to this State and this world. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 25 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (94-0).

Leaves of absence are granted Representatives Adams, Cole, Fox, Gamble, Goodwin, Gray, R. Hunter, Kinney, McAllister, Miller, Redwine, Starnes, Womble, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1505, AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1593, AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION, PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE NEEDS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1222, AN ACT TO TRANSFER THE AREA OF MECKLENBURG COUNTY KNOWN AS MECK NECK TO IREDELL COUNTY. (S.L. 1998-15)

H.B. 989, AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM. (S.L. 1998-16)

S.B. 1182, AN ACT TO REPEAL THE SUNSET ON CHILD SUPPORT FEDERAL REQUIREMENTS IN ORDER TO AVOID LOSS OF FEDERAL FUNDS FOR THE 1998-99 FISCAL YEAR UNDER THE CHILD SUPPORT IV-D ENFORCEMENT PROGRAM AND UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES FEDERAL BLOCK GRANT. (S.L. 1998-17)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Barbee for the Committee on Pensions and Retirement:

H.B. 1337, A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Dockham for the Committee on Insurance:

H.B. 1495, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II.

The committee substitute bill is re-referred to the Committee on Judiciary II. The original bill is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute No. 2 for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

H.B. 1568, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX; and

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
June 25, 1998

Mr. Speaker:

A message is being sent to the House of Representatives with the information that the House Committee Substitute for **S.B. 78,** A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE SEXUAL HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION, is not germane to the original bill. The Senate, therefore, is respectfully returning the House Committee Substitute for S.B. 78.

Sincerely,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 77,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO RECEIVE REFUNDS OF SALES AND USE TAXES, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1150,** A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1303,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO

REQUIRE THAT EACH NEW SEPTIC TANK SYSTEM INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND TO ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Environment.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1567,** A BILL TO BE ENTITLED AN ACT TO REDEFINE THE NEWSPAPERS ELIGIBLE TO ACCEPT LEGAL ADVERTISING IN ANSON COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of July 1.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1327,** A BILL TO BE ENTITLED AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES, TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, TO ADJUST THE CITIES' DISTRIBUTION OF THE TAX PROCEEDS UNTIL JUNE 30, 2000, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO DETERMINE THE IMPACT OF THE TAX ON THE DISTRIBUTION TO CITIES, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY THE ISSUE OF TRANSPORTATION RATES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Gardner, Grady, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wood, and Yongue - 96.

Voting in the negative: None.

Excused absences: Representatives Adams, Cole, Fox, Gamble, Goodwin, Gray, R. Hunter, Kinney, McAllister, Miller, Redwine, Starnes, Womble, and Wright - 14.

H.B. 1319, A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE

BOND FUNDS, passes its second reading, by electronic vote (97-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

INTRODUCTION OF PAGES

Pages for the week of June 29 are introduced to the membership. They are: Janene Diana Allison of Cumberland; Laura DeBerry Anderson of Edgecombe; Audrey Kaye Bowerman of Wake; Jeremy Trent Burleson of Stanly; Bradley Campbell of Iredell; Clifton Lawrence Cheek of Brunswick; Grayson Howard Cheek of Brunswick; Daryl Philip Collins, Jr. of Union; Rachel Malia Harrison of Cumberland; Anthony Ryan Hinson of Stanly; Jessica Lynn Jordan of Davie; Brandon Mosley of Wake; Dustin Alexander Parker of Wake; Melissa Rae Perritt of Carteret; Rebecca Ellen Potts of Davie; Erin L. Provost of Wake; Molly Cathryn Seamans of Wake; Stephanie Lynn Short of Vance; Jennifer Marie Snow of Wake; Anna Stavredes of Wake; Julia Elizabeth Teague of Wake; Donald R. Teeter, Jr., of Wake; Matthew Wayne True of Henderson; Sean Michael Wiggs of Cumberland; John Robert Williams of Wake; and Joshua Fleming Harris Wood of Guilford.

Representative Morgan moves, seconded by Representative Neely, that the House adjourn, subject to the receipt of Messages from the Senate, appointment of conferees, and the receipt of Conference Reports, to reconvene June 30, at 2:00 p.m.

The motion carries.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
June 29, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 124** (House Committee Substitute), A BILL TO BE

ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED, and requests conferees. The President Pro Tempore appoints:

Senator Odom, Chairman
Senator Kinnaird

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representatives Mitchell, C. Wilson, and Howard as conferees on the part of the House and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Mitchell sends forth the Conference Report on House Committee Substitute for **S.B. 124** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of June 30.

The Speaker rules the conference report to be material, thus constituting its first reading.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 620,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

The House stands adjourned at 8:26 p.m.

ONE HUNDRED FIFTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, June 30, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Holy and Gracious God, we greet You this day with hearts that are always in need of Thy tender mercy. We greet You this day with minds that are always in need of Thy incomprehensible grace. Like a master potter sits and molds the clay of his/her imagination, take our lives in the palm of Your precious hand and mold us and form us into Thy image. Take our minds' eye and see that our collective decisions are made with the assurance that Your divine will is being done on earth as it is in heaven. As always, O God of heaven and earth, have mercy on us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 29 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (99-0).

Leaves of absence are granted Representatives Cole, Gamble, Goodwin, McAllister, and Miller for today. Representatives Luebke, Smith, Sutton, and Womble are excused for a portion of the session.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 321, AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

S.B. 1466, AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1593, AN ACT TO EXEMPT ALLEGHANY COUNTY AND THE TOWN OF SPARTA FROM CERTAIN LAWS RELATED TO THE CONSTRUCTION, PROCUREMENT, AND LEASING OF CRITICAL INFRASTRUCTURE NEEDS. (S.L. 1998-18)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Brown for the Committee on Agriculture:

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FOR THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.B. 1618, A BILL TO BE ENTITLED AN ACT RELATING TO ROCKINGHAM COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1629, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEBORO, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.J.R. 1758, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 1.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
June 30, 1998

Mr. Speaker:

On **S.B. 78** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE SEXUAL HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION, the Chairman of the Rules and Operations of the Senate Committee respectfully requests that the bill be returned to the Senate for consideration.

Sincerely,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill returned to the Senate.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
June 30, 1998

Mr. Speaker:

On **S.B. 124** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, which House Committee Substitute bill proposes to change the title, upon concurrence, to read **S.B. 124** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.J.R. 1084,** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. MELVILLE BROUGHTON, JR., is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1104, A BILL TO BE ENTITLED AN ACT TO CHANGE THE BOUNDARIES OF THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT, is read the first time and referred to the Committee on Local and Regional Government I and, if favorable, to the Committee on Finance.

Committee Substitute for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE, is read the first time and referred to the Committee on Education.

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE CREDIT FOR PROBATIONARY EMPLOYMENT WITH A LOCAL GOVERNMENT, is read the first time and referred to the Committee on Pensions and Retirement.

Committee Substitute for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, is read the first time and referred to the Committee on Ways and Means.

Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS CRITICAL STATEWIDE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, WATER CONSERVATION PROJECTS, AND WATER REUSE PROJECTS (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES

AND (3) FOR GRANTS OR LOANS FOR RURAL SCHOOLS FOR A SCHOOL WATER OR WASTEWATER PROJECT, is read the first time and referred to the Committee on Finance.

S.B. 1422, A BILL TO BE ENTITLED AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, is read the first time and referred to the Committee on Ways and Means.

Committee Substitute for **S.B. 1424,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, is read the first time and referred to the Committee on Ways and Means.

S.B. 1557, A BILL TO BE ENTITLED AN ACT TO PROVIDE DENTAL, VISION, AND HEARING BENEFITS FOR DEPENDENT CHILDREN UNDER THE AGE OF NINETEEN YEARS IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is read the first time and referred to the Committee on Insurance.

Committee Substitute No. 2 for **S.B. 1569,** A BILL TO BE ENTITLED AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE

DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRY FORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES, is read the first time and referred to the Committee on Finance.

CONFERENCE REPORT

Representative Mitchell moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 124

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 124, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS

TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED, House Committee Substitute Favorable 6/17/98, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 6/17/98, and the House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 29, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Fountain Odom	S/ Frank Mitchell
S/ Eleanor Kinnaird	S/ Connie Wilson
	S/ Julia Howard

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 110.

Voting in the negative: None.

Excused absences: Representatives Cole, Gamble, Goodwin, McAllister, Miller, Smith, and Womble - 7.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 1327,** A BILL TO BE ENTITLED AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES, TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, TO ADJUST THE CITIES' DISTRIBUTION OF THE TAX PROCEEDS UNTIL JUNE 30, 2000, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO DETERMINE THE IMPACT OF THE TAX ON THE DISTRIBUTION TO CITIES, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY THE ISSUE OF TRANSPORTATION RATES, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Wood, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Cole, Gamble, Goodwin, McAllister, Miller, Smith, and Womble - 7.

House Committee Substitute No. 2 for **S.B. 452,** A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY

TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.

Representative Baddour offers Amendment No. 1 which is adopted by electronic vote (111-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: Representative Fitch.

Excused absences: Representatives Cole, Gamble, Goodwin, McAllister, Miller, Smith, and Womble - 7.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative C. Wilson and without objection, Committee Substitute for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, is withdrawn from the Calendar and re-referred to the Committee on Finance.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1356,** A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Cole, Gamble, Goodwin, McAllister, Miller, Smith, and Womble - 7.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1422, A BILL TO BE ENTITLED AN ACT TO REMOVE UNCONSTITUTIONAL RESTRICTIONS ON INDIVIDUAL INCOME TAX CREDITS FOR CHILD CARE AND FOR CONSTRUCTING DWELLINGS FOR THE HANDICAPPED, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1737,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE AUTHORITY OF THE BOARD OF GOVERNORS WITH REGARD TO CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS PROPERTY, TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND SERVICE CHARGE AND TO LIMIT THE NUMBER OF YEARS STATE PROPERTY CAN BE LEASED TO NINETY-NINE YEARS, passes its second reading, by electronic vote (109-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, TOBACCO WAREHOUSE OWNERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO FEDERAL LEGISLATION.

Representative Daughtry requests that he be excused from voting pursuant to Rule 24.1A because he is involved in the tobacco business - farm tobacco quota and tobacco warehouse. Representative Nye requests that he be excused from voting pursuant to Rule 24.1A because of a conflict of interest. Representatives Hill, Sutton, and Tolson request that they be excused from voting pursuant to Rule 24.1A because they own tobacco allotments. These requests are granted.

The bill passes its second reading, by electronic vote (86-20), and there being no objection is read a third time.

Representative Russell requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (87-20).

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRAL

On motion of Representative Morgan, Committee Substitute for **S.B. 620,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Appropriations.

NOTICE OF INTENT TO CIRCULATE DISCHARGE PETITION

Pursuant to Rule 39(b), Representative Michaux gives notice of his intent to circulate a discharge petition on **H.B. 1700,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE CAMPAIGN FINANCE LAWS AND TO APPROPRIATE FUNDS FOR ADMINISTRATION.

On motion of the Chair, the House recesses at 2:50 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1497,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1312, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MOUNT GILEAD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

Committee Substitute for **S.B. 726,** A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Neely for the Committee on Judiciary II:

H.B. 1405, A BILL TO BE ENTITLED AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1544, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN CRIMINAL CASES IN THE GENERAL COURT OF JUSTICE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

Committee Substitute No. 3 for **H.B. 665,** A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, AND TO REQUIRE A JUDGE PRESIDING IN A CAPITAL TRIAL TO INSTRUCT THE SENTENCING JURY REGARDING THE REVIEW OF SENTENCES OF LIFE

IMPRISONMENT WITHOUT PAROLE, with a favorable report as to Committee Substitute Bill No. 4, which changes the title, unfavorable as to Committee Substitute Bill No. 3 and recommendation that Committee Substitute Bill No. 4 be re-referred to the Committee on Appropriations.

Committee Substitute Bill No. 4 is re-referred to the Committee on Appropriations. Committee Substitute Bill No. 3 is placed on the Unfavorable Calendar.

By Representatives Holmes, Esposito, Creech, and Crawford, Co-Chairs, for the Committee on Appropriations:

Committee Substitute for **S.B. 620,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW, with a favorable report as to House committee substitute bill, as amended, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill, as amended, is placed on today's Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1327, AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES, TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, TO ADJUST THE CITIES' DISTRIBUTION OF THE TAX PROCEEDS UNTIL JUNE 30, 2000, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO DETERMINE THE IMPACT OF THE TAX ON THE DISTRIBUTION TO CITIES, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY THE ISSUE OF TRANSPORTATION RATES.

CALENDAR (continued)

House Committee Substitute for **S.B. 620,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO

CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

On motion of Representative Holmes, Committee Amendment No. 1 is adopted by electronic vote (100-0).

Representatives Aldridge and Womble request and are granted permission to be recorded as voting "aye". The adjusted vote total is (102-0).

On motion of Representative Holmes, Committee Amendment No. 2 is adopted by electronic vote (103-0).

On motion of Representative Holmes, Committee Amendment No. 3 is adopted by electronic vote (104-1).

On motion of Representative Holmes, Committee Amendment No. 4 is adopted by electronic vote (98-5).

On motion of Representative Holmes, Committee Amendment No. 5 is adopted by electronic vote (64-41).

The bill, as amended, passes its second reading, by electronic vote (104-1), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute, as amended, by Special Message.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1226,** A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer House Committee Substitute for **S.B. 1397,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, to the Permanent Subcommittee on Local, Regional, and State Revenues.

On motion of the Chair, the House recesses at 6:37 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORT OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from standing committee is presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

Committee Substitute for **S.B. 1129,** A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Representative Morgan moves, seconded by Representative Buchanan, that the House adjourn, subject to the receipt of Messages from the Senate, appointment of conferees, and ratification of bills, to reconvene July 1 at 2:00 p.m.

The motion carries.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1505, AN ACT TO PROVIDE FOR THE USE OF FUNDS APPROPRIATED FOR THE NORTH CAROLINA INDIAN CULTURAL CENTER AND TO ADD A SEAT ON THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER FOR A REPRESENTATIVE OF THE INDIANS OF PERSON COUNTY. (S.L. 1998-19)

S.B. 321, AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY. (S.L. 1998-20)

S.B. 1466, AN ACT TO ALLOW THE EASTERN BAND OF CHEROKEE INDIANS TO PERFORM BUILDING INSPECTIONS ON TRIBAL LANDS. (S.L. 1998-21)

S.B. 1327, AN ACT TO PRESERVE THE TAX-EXEMPT STATUS FOR PIPED NATURAL GAS SOLD BY MUNICIPALITIES, TO MAKE THE TAXES ON OTHER SALES OF PIPED NATURAL GAS MORE UNIFORM, TO ADJUST THE CITIES' DISTRIBUTION OF THE TAX PROCEEDS UNTIL JUNE 30, 2000, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO DETERMINE THE IMPACT OF THE TAX ON THE DISTRIBUTION TO CITIES, AND TO DIRECT THE UTILITIES COMMISSION TO STUDY THE ISSUE OF TRANSPORTATION RATES. (S.L. 1998-22)

BILL PRESENTED TO THE GOVERNOR

The following bills is duly ratified and presented to the Governor:

. **S.B. 620,** AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

The House stands adjourned at 9:39 p.m.

ONE HUNDRED FIFTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 1, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Most Merciful God, we confess that we have not always loved You with our whole hearts. There are those remote areas of our minds and of our hearts that we hold back from You. We don't mean to do this, but in our never-ending effort to be in control, we give You a portion; but nonetheless, we resist giving You all that there is to give. Come, O Lord, and cleanse us from all unrighteousness. Restore within us the beauty of innocence and the vulnerability of purity of heart, mind, and soul. Help us to lean not upon ourselves for our strength and understanding, rather, open up the windows of heaven, remove the veils that cover our eyes, and tear away the fear that often cripples us from falling on our knees in obedience to Thy will. Hear us, as we pray, O God, and answer us according to Your good and never-ending love. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of June 30 has been examined and corrected to reflect that the House adjourned subject to the receipt of Messages from the Senate, appointment of conferees, and ratification of bills. Upon his motion, the Journal is approved as corrected by electronic vote (104-1).

Leaves of absence are granted Representatives Gamble, McAllister, and Thompson for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Decker for the Committee on Local and Regional Government II:

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

S.B. 1478, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

S.B. 1479, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representative Barbee for the Committee on Pensions and Retirement:

H.B. 1669, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO REQUIRE THAT THE DETERMINATION OF DISABILITY BE MADE BY THE PLAN'S MEDICAL BOARD AND TO MAKE CERTAIN OTHER CHANGES, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representatives Sexton and Buchanan, Co-Chairs, for the Committee on Transportation:

H.B. 1582, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1998, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

Committee Substitute for **S.B. 1289,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1477, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

H.B. 1625, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 2.

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Hill, Eddins, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1479, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATED TO THE PHASEOUT OF ANAEROBIC LAGOONS AND SPRAYFIELDS AS THE PRIMARY METHODS OF DISPOSING OF ANIMAL WASTE AT SWINE FARMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 245,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 124,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre,

Braswell, Brawley, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, R. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Gamble, McAllister, and Thompson - 3.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of July 8.

CALENDAR

Action is taken on the following:

House Committee Substitute No. 2 for **S.B. 452,** A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.

Representative Decker offers Amendment No. 2 which is adopted by electronic vote (113-1).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: Representative Fitch.

Excused absences: Representatives Gamble, McAllister, and Thompson - 3.

Committee Substitute for **H.B. 1356,** A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, R. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Tolson, Wainwright,

Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Gamble, McAllister, and Thompson - 3.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute for **S.B. 962,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY ADMISSION OF PARENTS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE, is withdrawn from the Calendar and placed on the Calendar of July 7.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 74,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, passes its second reading, by electronic vote (117-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING, passes its second reading, by electronic vote (116-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

H.J.R. 1758, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A

BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate.

Representative Ellis moves that the opening comments made by Representative Capps be spread upon the Journal. Without objection, the Speaker so orders.

"My fellow Members of the House,

"This week we are celebrating the birthday of our nation. The United States Flag is the star attraction and the center of attention as patriotic Americans observe our nation's birth.

"This authorizing Resolution seeks to allow introduction of a Bill about freedom...freedom to celebrate the very symbol of freedom of our nation itself...freedom to proudly fly the flag that speaks so elegantly about who we are as a people and as a nation.

"Seventy-four of you quickly signed on as co-sponsors of the Resolution, and the proposed Bill. More of you would have had I been able to run it by more of you.

"Public Law 829 - 'The Flag Code' - states the correct use and display of the Flag for all occasions.

"The American Flag is the sacred emblem of our country.

"It symbolizes our birthright...our heritage of liberty purchased with blood and sorrow.

"It is our TITLE DEED to freedom, which is ours to enjoy and hold in trust for posterity.

"If we fail to keep this sacred trust inviolate, the Flag is nullified and destroyed and we and our children become slaves to dictators and despots.

"The U. S. Supreme Court has ruled that the U. S. Flag can be burned...can be walked on...can be urinated on...or desecrated in any way one chooses. Yet, even the freedom to do that...is a freedom itself made

possible because brave men and women have shed their blood...and given their lives on foreign soil...to preserve the freedoms we all enjoy.

"It is strangely ironic that the freedom to burn the flag, to stomp on it, to urinate on it, is now more protected than the freedom to fly it or display it in SOME of our communities.

"This proud National Emblem should never be considered just some passing SIGN to be regulated. Rather, it is the very Deed TO, and Symbol Of, the freedom to proclaim all freedoms.

"I've been really inspired as I have reviewed, in the last week or so, much of the history surrounding Old Glory. I have placed on your desks some moving salutes to the Flag that have been preserved...some of which depict the Flag itself as IT would speak to us.

"Francis Scott Key, the composer of our National Anthem, exhibiting the marvelous wisdom our many founding leaders had, was wise enough to foresee a possible day when the QUESTION would be asked 'O SAY Does That Star Spangled Banner YET wave O'er the Land of the Free and the Home of the Brave'.

"In the City of Durham where there is currently a flap about the Flag, I have learned that the newspaper there did a survey and found that their own Flag at City Hall is in violation, as is that atop the CCB Building, said to be the tallest building between Washington and Atlanta. The Flags at all the schools except two are said to be in violation, and the Flag at the Courthouse, at Glaxo, at IBM, and maybe others were found to be possible violations also.

"The SIZE of the Flag has been the point of contention in some outlawing ordinances. It is especially significant that the size of the Flag was the main point that inspired Key to compose the anthem.

"Let me just share a little about that: During the War of 1812, September 13, 1814, Francis Scott Key visited the British fleet in Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC. The release was secured, but Key was detained on ship overnight during the shelling of Fort McHenry, one of the Forts defending Baltimore.

"But let's go back to summer before, in 1813, for a moment. At the star-shaped Fort McHenry, the commander, Maj. George Armistead, asked

for a flag SO BIG that 'the British would have no trouble seeing it from a distance'. Two officers, a Commodore and a General, were sent to the Baltimore home of Mary Young Pickersgill, a 'maker of colours', and commissioned the flag.

"Mary and her thirteen year old daughter Caroline, working in an upstairs front bedroom, used 400 yards of the best quality wool bunting. They cut 15 stars that measured two feet across from point to point. Eight red and seven white stripes each two feet wide, were cut. Laying out the material on the malthouse floor of Claggett's Brewery, a neighborhood establishment, the flag was sewn together. By August it was finished. It measured 30 feet by 42 feet (much larger than the largest flags in question in the current Durham dispute) and cost $405.90 back in that day. The Baltimore Flag House, a museum, now occupies her premises, which were restored in 1953.

"At 7 am on the morning of September 12, 1814, the British bombardment began, and the flag was ready to meet the enemy. The bombardment continued for 25 hours, the British firing 1,500 bombshells that weighed as much as 220 pounds and carried lighted fuses that would supposedly cause it to explode when it reached its target. But they weren't very dependable and often blew up in mid air. From special small boats the British fired the new Congreve rockets that traced wobbly arcs of red flame across the sky.

"The Americans had sunk 22 vessels so a close approach by the British was not possible. That evening the cannonading stopped, but at 1 am on the 14th, the British fleet roared to life, lighting the rainy sky with grotesque fireworks.

"Key, Col. Skinner, and Dr. Beanes watched the battle with apprehension. They knew that as long as the shelling continued, Fort McHenry had not surrendered. But, long before daylight there came a sudden and mysterious silence.

"What the three Americans did not know was that the British land assault on Baltimore as well as the naval attack, had been abandoned. Judging Baltimore as being too costly a prize, the British officers ordered a retreat.

"Waiting in the predawn darkness, Francis Scott Key waited for the sight that would end his anxiety; the joyous sight of Gen. Armistead's huge flag blowing in the breeze. When at last daylight came, the Flag was still

there! Key penned the words on an envelope and they later became our National Anthem.

"Among the items that I placed on your desks today was one which depicts Old Glory speaking, herself, to us. I want to read just a portion of the last column. The Flag is speaking:

"'Many more things I would like to tell you, but we haven't time. However, I do want to see you again. I am easy to find. I am everywhere, I am in the hopes of the poor, in the mansions of the rich, in Independence Hall with the Declaration of Independence and the Liberty Bell; I am in the White House with the President; I am in all the churches, cathedrals and synagogues; in the Council of the Boy and Girl Scouts of America; in all the schools where they pledge allegiance to me.

"'I draped the caskets of our Nation's heroes, borne to their last resting places; the caskets of Presidents, generals, admirals, humble privates, and the Unknown soldier. Wherever free men gather, wherever there is justice, equality, faith, hope, charity, truth or brotherly love, there too, am I.

"'May history never write my obituary, for I am the Stars and Stripes FOREVER. I AM OLD GLORY!'

"My fellow Members in the House, I am asking you as members of this vital law making Body to not be a part of writing the obituary for the Flag...but to take this opportunity to stand tall in proclaiming the Stars and Stripes for ever.

"I call on us to put aside any biases and any disagreements that sometimes divide us, and to agree to give Old Glory the glory due her by approving this Resolution to take up the Bill.

"Thank you very much!"

Representative Morgan moves, seconded by Representative Hackney, that the House adjourn, subject to the ratification of bills, to reconvene July 2 at 11:00 a.m.

The motion carries.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 124, AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED.

The House stands adjourned at 4:20 p.m.

ONE HUNDRED FIFTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 2, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"God of all the nations of the earth, we give You thanks for this country in which we live, for the foundations upon which it was founded, and for the freedom that exists between her shores. As we prepare to celebrate the birthday of our liberty, we celebrate the process of democracy that exists even in these Chambers for it is within these walls that we have the privilege of exercising our freedom. But, even in the midst of our liberty, remind us that only You, O God, are sovereign over all the earth. As we celebrate, help us to be mindful of the gift of liberty and help us to keep in check the natural balances of humanity that are affected by our decisions and those of all public servants. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 1 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (76-0).

Leaves of absence are granted Representatives Aldridge, Black, Cunningham, Dedmon, Esposito, Gamble, McAllister, Moore, Nichols, Smith, and Thompson for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1093, AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Mitchell, Carpenter, and Baker, Co-Chairs, for the Permanent Subcommittee on Economic and Natural Resources of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1492,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1 and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Finance.

Committee Substitute Bill No. 2 is re-referred to the Committee on Finance. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1361,** A BILL TO BE ENTITLED AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute No. 2 for **S.B. 1569,** A BILL TO BE ENTITLED AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO

OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRY FORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), The House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1546, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

S.B. 1333, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, with a favorable report as to House committee substitute bill, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Barbee for the Committee on Pensions and Retirement:

Committee Substitute for **H.B. 1739,** A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1 and recommendation that Committee Substitute Bill No. 2 be re-referred to the Committee on Finance.

Committee Substitute Bill No. 2 is re-referred to the Committee on Finance. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Bowie, Dockham, and McMahan, Co-Chairs, for the Permanent Subcommittee on Transportation of the standing committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 1, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 78** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE SEXUAL HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION, and requests conferees. The President Pro Tempore appoints:

Senator Ballance, Chairman
Senator Winner
Senator Kinnaird
Senator Perdue
Senator McDaniel

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Daughtry, Chair; Representatives Hardy, Esposito, Clary, and Crawford as conferees on the part of the House and the Senate is so notified by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hensley and without objection, House Committee Substitute for **S.B. 726,** A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY, is withdrawn from the Calendar and placed on the Calendar of July 8.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1618,** A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF EDEN TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

H.B. 1625, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1462,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE THAT EACH NEW SEPTIC TANK SYSTEM INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND TO ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading by electronic vote (94-11).

Representative Allred objects to the third reading. The bill remains on the Calendar.

RE-REFERRALS

On motion of Representative Holmes, **H.B. 1482,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DETENTION CENTER IN GUILFORD COUNTY, is withdrawn from the Committee on Appropriations, Subcommittee on Human Resources and re-referred to the Committee on Appropriations, Subcommittee on Capital and Budget.

On motion of Representative Holmes, **H.B. 1592,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STOKES COUNTY MOUNTAIN RESCUE TEAM TO IMPLEMENT THE CARE TRAK SYSTEM IN AN ELEVEN COUNTY REGION, is withdrawn from the Committee on Appropriations, Subcommittee on Capital and Budget and re-referred to the Committee on Appropriations, Subcommittee on Human Resources.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 620, AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND EXPIRING PROVISIONS OF LAW. (S.L. 1998-23)

S.B. 124, AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, TO CLARIFY HOW THE COUNTIES MAY USE THE TAX PROCEEDS, AND TO LIMIT THE AMOUNT OF SURPLUS A COUNTY MAY ACCUMULATE BY HOLDING FURTHER TAX DISTRIBUTIONS UNTIL THE SURPLUS IS REDUCED. (S.L. 1998-24)

On motion of Representative Morgan, seconded by Representative Gardner, the House adjourns at 11:36 a.m. to reconvene Monday, July 6, 1998, at 7:00 p.m.

ONE HUNDRED FIFTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 6, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Glorious God, how often we ask for an audience with Thee. When our hearts are full and our minds are weak, we turn to the Almighty to beg for Your attention. How faithful You are in listening to us. Look down upon us and, in Your mercy, listen to our joys, our cries, our petitions, our intercessions, our wants and our needs that we bring to Your feet. We ask only that according to Thy rich and glorious grace, You would offer us what we need. Help us to search for the gift of humility and sincerity so that as we go about our public work, Your people would trust our decisions as they, indeed, ultimately affect their lives. Grant us wisdom as we begin this legislative week together and may we always remember that we stand in the shadow of somebody bigger. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 2 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (92-0).

Leaves of absence are granted Representatives Cole, Cansler, Gamble, R. Hunter, Kinney, McAllister, McCrary, Oldham, Redwine, Rogers, and Wright for today. Representatives Nesbitt and Thompson are excused for a portion of the session.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1274, AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY.

H.B. 1290, AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

H.B. 1338, AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE OPERATION OF PERSONAL WATERCRAFT.

H.B. 1556, AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN.

H.B. 1610, AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE.

H.B. 1639, AN ACT TO ALLOW THE TOWN OF NEWPORT TO LEASE A CERTAIN PIECE OF PROPERTY FOR TWENTY-FIVE YEARS.

H.B. 1647, AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH ORDINANCES ARE REVISED OR AMENDED.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Miner, Berry, Tallent, Hiatt, and Church, Co-Chairs, for the Committee on Commerce:

H.B. 1347, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL NOT TAX INTERNET ACCESS CHARGES, SHALL ENFORCE SALES TAXES ON INTERNET COMMERCE ONLY TO THE SAME EXTENT IT ENFORCES SALES TAX ON MAIL-ORDER COMMERCE, AND SHALL IMPOSE NO NEW TAXES ON THE INTERNET OR INTERNET COMMERCE, with a favorable report

and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1350, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUSINESS LICENSE INFORMATION OFFICE OF THE SECRETARY OF STATE'S OFFICE TO PROVIDE INFORMATION AND ASSISTANCE TO SMALL BUSINESSES, AS RECOMMENDED BY THE BUSINESS DEVELOPMENT STUDY COMMITTEE OF THE LEGISLATIVE RESEARCH COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

H.B. 1644, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATE FUNDING RELATED TO SITING A LOW-LEVEL RADIOACTIVE WASTE FACILITY IN NORTH CAROLINA, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1326, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION

PROGRAMS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL;

S.B. 1478, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH; and

S.B. 1479, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1199,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE, TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, AND TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, is read the first time and referred to the Committee on State Government and, if favorable, to the Committee on Finance.

Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, is read the first time and referred to the Committee on Appropriations.

Committee Substitute for **S.B. 1594,** A BILL TO BE ENTITLED AN ACT TO IMPOSE TEACHER CERTIFICATION FEES, is read the first time and referred to the Committee on Education and, if favorable, to the Committee on Finance.

INTRODUCTION OF PAGES

Pages for the week of July 6 are introduced to the membership. They are: Jeremy Noel Allen of Wake; Summer Carol Bethune of Cumberland; Ivy Lea Capell of Henderson; Michael Raeford Cooke, II, of Guilford; Laura Cameron Cross of New Hanover; Christina Marie Cummings of Harnett; Elizabeth Ashley Davidson of Henderson; Margaret Butler Deane of New Hanover; Joseph Clay Delk, IV, of Caldwell; Sarah Quinn Dickens of Beaufort; Tamara Ann Franklin of Forsyth; Sarah E. Gajan of Franklin; Andrew Dalton George of Wake; John Thomas Lapp of Henderson; Melissa Lane Miller of Cumberland; Elizabeth D. Partin of Wake; George Peterson of Buncombe; Louise Manning Pruden of Chowan; Pauletta D. Spence of Wake; Jonas Jacob Swartz of Durham; David Blair Thompson of Wake; Jennifer Jean Tuttle of Henderson; Mark Andrew Williams of Buncombe; Joshua Seth Wilson of Lee; and Matthew Rand Wilson of Johnston.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hill and without objection, **H.B. 1527,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, is withdrawn from the Calendar and placed on the Calendar of July 7.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Justus, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, and Yongue - 98.

Voting in the negative: None.

Excused absences: Representatives Cansler, Cole, Gamble, R. Hunter, Kinney, McAllister, McCrary, Nesbitt, Oldham, Redwine, Rogers, and Wright - 12.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1497,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Justus, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, and Yongue - 98.

Voting in the negative: None.

Excused absences: Representatives Cansler, Cole, Gamble, R. Hunter, Kinney, McAllister, McCrary, Nesbitt, Oldham, Redwine, Rogers, and Wright - 12.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Justus, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, and Yongue - 98.

Voting in the negative: None.

Excused absences: Representatives Cansler, Cole, Gamble, R. Hunter, Kinney, McAllister, McCrary, Nesbitt, Oldham, Redwine, Rogers, and Wright - 12.

Committee Substitute for **H.B. 1462,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE THAT EACH NEW SEPTIC TANK SYSTEM INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND TO ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Representative Allred offers Amendment No. 1 which fails of adoption by electronic vote (11-89).

The bill passes its third reading, by electronic vote (93-7), and is ordered sent to the Senate.

RE-REFERRAL

On motion of Representative Morgan, **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, is withdrawn from the Calendar pursuant to Rule 36(a) and re-referred to the Committee on Appropriations, Subcommittee on Transportation.

On motion of Representative Morgan, seconded by Representative Shubert, the House adjourns at 7:28 p.m. to reconvene July 7 at 2:00 p.m.

ONE HUNDRED FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 7, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O God, You are the source of all that which is good and honest and pure and truthful. You alone hold the keys to our definition as holy and faithful people. We often think that we hold the keys to the future and that we are masters of our own destinies. Eternal God, have mercy upon us, and help us to remember that only You are sovereign. By Your grace, extend to each of us the privilege of sharing in the affairs of human government so that by holding onto Your hand, we might make our world, our State, and our communities a better place. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 6 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (105-0).

Leaves of absence are granted Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers for today.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

TO: Members of the North Carolina General Assembly
FROM: Representative Robert C. (Bob) Hunter
RE: Resignation/North Carolina House of Representatives

As you are probably aware, Governor Jim Hunt has appointed me to serve on the North Carolina Court of Appeals. Therefore, I will be resigning as Representative of the 49th House District effective as of midnight, Tuesday, July 7, 1998. I will be sworn in at the Old House Chamber of the State Capitol at 12:30 PM on Wednesday, July 8, 1998. You are invited to attend the ceremonies.

Pursuant to the General Statutes, the 49th House District Democratic Committee has met and selected Annette Bryant, who is the Democratic nominee for the fall election, to fulfill my unexpired term. Governor Hunt has issued the proclamation appointing her.

I have enjoyed my almost 18 years serving in the House of Representatives. One of the most rewarding aspects of this position is the wonderful people with whom we serve and work. I want to thank each of you for the help you have been to me over these years.

It has been my honor and pleasure to represent the people of McDowell, Yancey and part of Burke Counties who make up the 49th House District. I look forward to continuing my service to the people of North Carolina as a Judge of the North Carolina Court of Appeals.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1274, AN ACT TO ALLOW THE CITY OF GASTONIA TO WAIVE WATER AND SEWER SPECIAL ASSESSMENTS ON CERTAIN BENEFITED PROPERTY. (S.L. 1998-25)

H.B. 1290, AN ACT TO GRANT AUTHORITY TO THE TOWN OF WAYNESVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND. (S.L. 1998-26)

H.B. 1338, AN ACT TO AUTHORIZE JACKSON COUNTY TO REGULATE THE OPERATION OF PERSONAL WATERCRAFT. (S.L. 1998-27)

H.B. 1556, AN ACT TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DUNN. (S.L. 1998-28)

H.B. 1610, AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE. (S.L. 1998-29)

H.B. 1639, AN ACT TO ALLOW THE TOWN OF NEWPORT TO LEASE A CERTAIN PIECE OF PROPERTY FOR TWENTY-FIVE YEARS. (S.L. 1998-30)

H.B. 1647, AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE TO DELETE THE REQUIREMENT THAT COUNCIL MEETINGS BE HELD AT LEAST ONCE EACH WEEK AND TO CHANGE THE MANNER IN WHICH ORDINANCES ARE REVISED OR AMENDED. (S.L. 1998-31)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Bowie, Dockham, and McMahan for the Permanent Subcommittee on Transportation of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute No. 2 for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, with

a favorable report as to Committee Substitute Bill No. 3, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), Committee Substitute Bill No. 3 is placed on the Calendar of July 8. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **S.B. 77,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO RECEIVE REFUNDS OF SALES AND USE TAXES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1150,** A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **H.B. 1474,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1487, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE

EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

H.B. 1376, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM DEVELOPMENT AUTHORITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer **S.B. 1103,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, to the Permanent Subcommittee on Local, Regional, and State Revenues.

MESSAGE FROM THE SENATE

The following is received from the Senate:

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE, is read the first time and referred to the Committee on Local and Regional Government II.

CALENDAR

Action is taken on the following:

Committee Substitute No. 2 for **S.B. 1166,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson,

Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers - 6.

Committee Substitute for **H.B. 1497,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CRANBERRY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers - 6.

H.B. 1611, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown,

Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers - 6.

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 109.

Voting in the negative: Representative Hardy.

Excused absences: Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers - 6.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Brown and without objection, Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, is withdrawn from the Calendar and placed on the Calendar of July 8.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1230,** A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: Representative Clary.

Excused absences: Representatives Blue, Gamble, McAllister, McCrary, Oldham, and Rogers - 6.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 962,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW

TO PROVIDE FOR VOLUNTARY COMMITMENT OF PARENTS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE, passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

Representative Watson states that her voting equipment malfunctioned and she requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (112-0).

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 186,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1522, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A PART-TIME TEACHER OR STATE EMPLOYEE AND TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A LOCAL GOVERNMENTAL EMPLOYEE.

Representative Brawley requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The bill passes its second reading, by electronic vote (111-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1405,** A BILL TO BE ENTITLED AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, passes its second reading, by electronic vote (107-5), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1479,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATED TO THE PHASEOUT OF ANAEROBIC LAGOONS AND SPRAYFIELDS AS THE PRIMARY METHODS OF DISPOSING OF ANIMAL WASTE AT SWINE FARMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Representative Davis moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Agriculture. The motion fails by electronic vote (30-81).

Representative Watson calls the previous question on the passage of the bill. The motion fails by electronic vote (54-56).

Representative Daughtry moves that the bill be withdrawn from the Calendar and placed on the Calendar of July 8. The motion carries by electronic vote (80-32).

On motion of Representative Morgan, seconded by Representative R. Hunter, the House adjourns at 3:25 p.m. to reconvene July 8 at 2:00 p.m.

ONE HUNDRED FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 8, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Everlasting God, how appropriate it is that we take this moment of rest in our day to pause and acknowledge Your eternal presence with us. Thank You for Your never-ending faithfulness and persistence in our lives.

"As we prepare for our session, this day, send us Your wisdom to see through our individual biases and help us to see the clarity of our alternatives. Grant us the conviction to move with hearts that are full of compassion and of understanding.

"Eternal God, move to our side and comfort us from all affliction. Protect us from danger and harm. Cover us, O Lord, with Thy righteousness and grant that we might move in the direction of holiness. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 7 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (87-0).

Representative Watson requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (88-0).

Leaves of absence are granted Representatives Berry, Blue, Fitch, Gamble, McAllister, McCrary, Mosley, and Rogers for today. Representative Arnold is excused for a portion of the session.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

THE APPOINTMENT OF ANNETTE POTEAT BRYANT 1998 BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA A PROCLAMATION

WHEREAS, the Honorable Robert C. Hunter, elected Representative from the Forty-Ninth District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable Robert C. Hunter be filled by appointment of the person recommended by the Forty-Ninth House District Executive Committee of the Democratic Party; and

WHEREAS, the Forty-Ninth House District Executive Committee of the Democratic Party has notified me of its recommendation of Annette Poteat Bryant of Marion, North Carolina, to fill said vacancy,

I do by these presents appoint
ANNETTE POTEAT BRYANT
as a member of the
HOUSE OF REPRESENTATIVES
1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 8th day of July in the year of our Lord, One Thousand Nine Hundred Ninety-Eight.

S/ James B. Hunt, Jr.
Governor of North Carolina

S/ Elaine F. Marshall
Secretary of State

The following oath of office is administered to Annette P. Bryant by Judge Robert C. Hunter of the North Carolina Court of Appeals.

OATH FOR MEMBER OF THE
1997 HOUSE OF REPRESENTATIVES

"I, ANNETTE P. BRYANT, do solemnly swear that I will support and maintain the Constitution and laws of the United States; so help me God; and

"I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and

"I do swear that I will faithfully discharge the duties of the office of a Member of the 1997 House of Representatives according to the best of my skill and ability, according to law; so help me God."

S/ Annette P. Bryant

Sworn to and subscribed before me this
the Eighth day of July, 1998.

S/ Robert C. Hunter, Judge
Court of Appeals

Representative Bryant is escorted to her seat by Representatives Black, Daughtry, and Jeffus.

The Speaker appoints Representative Bryant to the following committees: Commerce; Commerce, Subcommittee on Financial Institutions; Congressional Redistricting; Finance; Judiciary I; and Ways and Means.

The Speaker orders a Special Message sent to the Senate notifying them of the action taken.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Allred for the Committee on Ways and Means:

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

S.B. 1518, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 9.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1478, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar of July 9. The original bill is placed on the Unfavorable Calendar.

S.B. 1479, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 9.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 475,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1289,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1322, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BEACH RENOURISHMENT FUND, TO ESTABLISH THE TRUSTEES OF THE FUND, TO RESERVE FIVE PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE BEACH RENOURISHMENT FUND, AND TO MAKE CONFORMING STATUTORY CHANGES, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, to the Permanent Subcommittee on Local, Regional, and State Revenues.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Alexander, Russell, and Boyd-McIntyre, Co-Sponsors, Adams, Allen, Baddour, Berry, Black, Bonner, Bowie, Brawley, Church, Clary, Cunningham, Daughtry, Earle, Easterling, Esposito, Fox, Gardner, Goodwin, Hall, Hardaway, Hensley, Hightower, Hill, Howard, Hurley, Insko, Jarrell, Jeffus, Luebke, Michaux, Moore, Morris, Mosley, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Sherrill, Shubert, Smith, Sutton, Tolson, Wainwright, Warwick, Watson, C. Wilson, and Yongue:

H.J.R. 1759, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL FOUNDATION FOR WOMEN LEGISLATORS, is referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1527, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Howard, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 99.

Voting in the negative: Representatives Hardy and Nichols - 2.

Excused absences: Representatives Berry, Blue, Fitch, Gamble, McAllister, McCrary, Mosley, and Rogers - 8.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 452, AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1166, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS.

H.B. 1278, AN ACT TO ALLOW CALDWELL, LENOIR, MITCHELL AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION.

H.B. 1475, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Dockham for the Committee on Insurance:

Committee Substitute for **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the unfavorable Calendar.

Representative Brawley inquires of the Chair if the bill has a fee in it and should it have gone to the Committee on Finance. The Chair strikes the original order and directs that the original bill be returned to the Committee on Insurance.

By Representatives Daughtry and Hardy for the Committee on Judiciary I:

H.B. 1321, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE COURT SYSTEM BY IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA AND TO MAKE OTHER CHANGES IN THE OPERATIONS OF THE COURTS, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of July 15.

On motion of Representative Hensley and without objection, House Committee Substitute for **S.B. 726,** A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY, is withdrawn from the Calendar and placed on the Calendar of July 15.

CALENDAR (continued)

House Committee Substitute for **S.B. 1230,** A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: Representative Clary.

Excused absences: Representatives Berry, Blue, Fitch, Gamble, McAllister, McCrary, Mosley, and Rogers - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT.

Representative Capps offers Amendment No. 1 which is adopted by electronic vote (106-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Saunders, Sexton, Sherrill,

Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Hardy, Nichols, Russell, Shubert, and Warner - 5.

Excused absences: Representatives Berry, Blue, Fitch, Gamble, McAllister, McCrary, Mosley, and Rogers - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Allred, Eddins, Nichols, and Shubert - 4.

Excused absences: Representatives Berry, Blue, Fitch, Gamble, McAllister, McCrary, Mosley, and Rogers - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1478, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL

BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS, passes its second reading, by electronic vote (97-11), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1479,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATED TO THE PHASEOUT OF ANAEROBIC LAGOONS AND SPRAYFIELDS AS THE PRIMARY METHODS OF DISPOSING OF ANIMAL WASTE AT SWINE FARMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Representative Buchanan offers Amendment No. 1 which is adopted by electronic vote (106-2).

Representative Davis offers Amendment No. 2 which fails of adoption by electronic vote (23-83).

The bill, as amended, passes its second reading by electronic vote (84-24), and there being no objection is read a third time.

Representative Decker offers Amendment No. 3 which is adopted by electronic vote (78-28).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 3 for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION.

Representative Baker offers Amendment No. 1 which is adopted by electronic vote (53-51).

Representative Gulley offers Amendment No. 2 which fails of adoption by electronic vote (19-87).

The bill, as amended, passes its second reading, by electronic vote (100-7), and there being no objection is read a third time.

Representative Wood offers Amendment No. 3 which fails of adoption by electronic vote (31-73).

The bill, as amended, passes its third reading, by electronic vote (101-4), and is ordered engrossed and sent to the Senate.

On motion of Representative Morgan, seconded by Representative Beall, the House adjourns at 3:41 p.m. to reconvene July 9, at 11:00 a.m.

ONE HUNDRED FIFTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 9, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, for the beauty of this new day and for the grace that we receive from Thy loving kindness, we give You thanks. Within each one of us there is a place where the soul seeks to find peace and rest from the rat race that we run. Sometimes we stop long enough to nourish it while at other times we ignore the pantings of Your spirit as You bid us to come and rest a while in Your presence. Help us realize that no matter how busy we are, no matter how important the matters before us seem, the sacred sweet spot of our hearts where You reside yearns for our company. And, when we finally find the time to rest in Thy presence, pour out Your spirit so that we experience the glory and splendor of Almighty God and we may just choose to stop by and visit with You more often. Bless us this day as we continue to work on behalf of others. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 8 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Berry, Cunningham, Earle, Gamble, McAllister, McCrary, and Rogers for today. Representative Black is excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1166, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE AND TO EXTEND THE TERMS OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LEGGETT FROM TWO TO FOUR YEARS. (S.L. 1998-32)

H.B. 1278, AN ACT TO ALLOW CALDWELL, LENOIR, MITCHELL AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION. (S.L. 1998-33)

H.B. 1475, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF OCEAN ISLE BEACH. (S.L. 1998-34)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 13.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, with a favorable report as to

Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representative Dockham, Chair for the Standing Committee on Insurance, refers **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, to the Permanent Subcommittee on Health.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1600, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER FOR WOMEN LEGISLATORS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, is read the first time and referred to the Committee on Ways and Means and, if favorable, to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM DEVELOPMENT AUTHORITY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

S.B. 1518, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

House Committee Substitute for **S.B. 1478,** A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

S.B. 1479, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Bonner, Bowie, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nye, Oldham,

Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 98.

Voting in the negative: Representatives Blue, Hardy, Hightower, Nichols, Russell, Shubert, and Warner - 7.

Excused absences: Representatives Berry, Cunningham, Earle, Gamble, McAllister, McCrary, and Rogers - 7.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Brawley and without objection, Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, is withdrawn from the Calendar and placed on the Calendar of July 14.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1376, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP AND ISSUE A SINGLE, CLARIFIED, PUBLICATION FOR ALL CHILD CARE PROVIDERS ON CHILD CARE LAW, RULES, AND POLICY, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE.

Representative Sherrill offers Amendment No. 1 which is adopted by electronic vote (103-0)

The bill, as amended, passes its second reading, by electronic vote (106-0) and there being no objection is read a third time.

The bill passes its third reading and is ordered engrossed and sent to the Senate.

On motion of Representative Morgan, seconded by Representative Easterling, the House adjourns at 11:23 a.m. to reconvene Monday, July 13, 1998, at 7:00 p.m.

ONE HUNDRED SIXTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, July 13, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"With all our heart, we take refuge in God Most High, who created all things, the merciful Father, Source of all goodness.

"With all our heart, we take refuge in You, O God, the Redeemer from sin, who restores our true nature, the perfect and mysterious Word.

"With all our heart, we take refuge in the One who embraces the universe, who at all times and in all places responds to our needs, the pure and tranquil Holy Spirit.

"Take our lives and let them be, consecrated Lord, to Thee. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 9 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (88-0).

Leaves of absence are granted Representatives Allred, Brown, Dedmon, Hardaway, Kinney, McAllister, Moore, Mosley, Watson, C. Wilson, Wood, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 962, AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY ADMISSION OF PARENTS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1356, AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM DEVELOPMENT AUTHORITY.

S.B. 1479, AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM.

S.B. 1518, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Ellis for the Committee on Local and Regional Government I:

S.B. 1410, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representatives Justus, Thompson, and Kiser, Co-Chairs, for the Permanent Subcommittee on Justice and Public Safety:

H.B. 162, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES, reported to the standing committee on Appropriations, with a favorable recommendation as to proposed committee substitute bill, which changes the title, unfavorable as to original bill.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute No. 2 for **H.B. 1739,** A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representative McComas for the Permanent Subcommittee on Health of the Standing Committee on Insurance, with approval of standing committee chair for report to be made directly to the floor of the House:

H.B. 1455, A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Representative Brawley inquires of the Chair if pursuant to Rule 38(b), the bill should go to the Committee on Finance citing that the bill contains provisions that could raise revenue. The Speaker states that he will defer his ruling.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

Committee Substitute for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE;

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING;

House Committee Substitute for **S.B. 1333,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS; and

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1601, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION PAYING TRIBUTE TO NORTH CAROLINA NATIVE, DOC WATSON, LEGENDARY PERFORMER AND FOLK ARTIST, AND HONORING THE LATE MERLE WATSON, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER AND DAVIDSON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, is returned for concurrence in Senate committee substitute and placed on the Calendar of July 14.

The Chair rules the Senate committee substitute to be material, thus constituting its first reading.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute for **H.B. 1410,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is returned for concurrence in Senate committee substitute and placed on the Calendar of July 14.

INTRODUCTION OF PAGES

Pages for the week of July 13 are introduced to the membership. They are: Robert H. Aycock of Wake; Tenille Rachelle Barnes of Pitt; Christopher Louis Burti, Jr., of Pitt; Theresa Call of Davidson; Holly Elizabeth Carringer of Cherokee; Kara Ann Crocker of Wake; Kathleen Cure of Chatham; Rachel Eve Fields of Cherokee; Quincy Dillon Gerrald of Buncombe; Nathan Earl Giles of Harnett; Taylor Grey Hilliard of Davidson; Jennifer Holmes of Wake; Camille Leah Jones of Cumberland; Adam Swain Lassiter of Northampton; Marcy Ann Marshburn of Onslow; Melissa Anne Phillips of Wake; Nicole Glynn Ringgold of Craven; Sarah Kate Webb of Haywood; Amy Nicole Webster of Mecklenburg; and Mary Elizabeth Webster of Mecklenburg.

RE-REFERRAL

On motion of Representative Neely and without objection, **H.B. 1489,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TAX OFFICIALS TO SHARE TAX INFORMATION TO FACILITATE COLLECTION OF VEHICLE RENTAL TAXES, is withdrawn from the Committee on Judiciary II and re-referred to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dickson, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, G. Wilson, and Yongue - 98.

Voting in the negative: Representative Baker.

Excused absences: Representatives Allred, Brown, Dedmon, Gamble, Hardaway, Kinney, McAllister, Moore, Mosley, Watson, C. Wilson, Wood, and Wright - 13.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1129,** A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE

CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, passes its second reading, by electronic vote (100-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

SPEAKER'S RULING

The Speaker rules on the point of order raised earlier in session by Representative Brawley regarding **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, stating that Rule 38(b) doesn't apply to civil penalties and the bill was properly reported.

SUBCOMMITTEE REFERRAL

Representative Holmes, Senior Ranking Member and Co-Chair, for the Standing Committee on Appropriations, refers **H.B. 1263,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF COOLEEMEE'S TEXTILE HERITAGE HISTORIC SITE IN THE TOWN OF COOLEEMEE IN DAVIE COUNTY, to the Permanent Subcommittee on Capital and Budget.

RE-REFERRALS

On motion of Representative Holmes, Senior Ranking Member and Co-Chair for the Committee on Appropriations, and without objection, the following bills are withdrawn from the Committee on Appropriations, Subcommittee on Natural and Economic Resources and re-referred to the Committee on Appropriations, Subcommittee on Capital and Budget.

H.B. 1286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE CONSTRUCTION OF THE BLUE RIDGE REGIONAL DESTINATION CENTER; and

H.B. 1296, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MULTIPURPOSE FORESTRY CENTER AT THE TURNBULL EDUCATIONAL STATE FOREST.

SUBCOMMITTEE REFERRAL

Representative Gray, Senior Ranking Member and Co-Chair for the Standing Committee on Finance, refers **S.B. 1410,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, to the Permanent Subcommittee on Local, Regional, and State Revenues.

On motion of Representative Morgan, seconded by Representative G. Wilson, the House adjourns at 7:21 p.m. to reconvene July 14 at 2:00 p.m.

ONE HUNDRED SIXTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 14, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Merciful God, when we awake in the morning, come quickly and greet us with Thy grace. Let us rise as people with resolve and purpose and mission.

"When we arrive at our place of work, instill within us an attitude of commitment to our duties.

"When we take our midday break, let us look to Heaven for our respite and give thanks for the blessings of the day.

"When we head toward our homes, take our efforts, make good our defects, and bless what we have done, if indeed, it brought glory to God.

"When we lie down to rest, forgive us for our sins and help us to sleep in peace as people who have lived with honesty and integrity.

"When we come at last to that day of judgment, have mercy upon us and grant us Your grace. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 13 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (99-0).

Leaves of absence are granted Representatives Barbee, Dockham, Ellis, McAllister, Mosley, Nye, and C. Wilson for today.

ENROLLED BILLS

The following bills properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1288, AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBERS.

H.B. 1504, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE.

H.B. 1622, AN ACT TO AUTHORIZE THE TOWNS OF WALLACE AND FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

H.B. 1637, AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET.

H.B. 1638, AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1356, AN ACT TO MODIFY THE COMPOSITION OF THE BOONE TOURISM DEVELOPMENT AUTHORITY. (S.L. 1998-35)

S.B. 1479, AN ACT RELATING TO INVESTMENTS MADE BY THE CITY OF WINSTON-SALEM. (S.L. 1998-36)

S.B. 1518, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION FOR THE PURPOSE OF SUBDIVISION REGULATION IN STANLY COUNTY. (S.L. 1998-37)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **H.B. 1544,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar of July 15. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives G. Wilson and Russell, Co-Chairs, for the Permanent Subcommittee on Capital and Budget:

H.B. 232, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION AND ENHANCEMENT OF THE MEDICAL EVALUATION PROGRAM IN THE DIVISION OF MOTOR VEHICLES AS RECOMMENDED BY THE DRIVER MEDICAL EVALUATION PROGRAM STUDY COMMISSION, reported to the Standing Committee on Appropriations, with a favorable recommendation and recommend that the bill be re-referred to the Committee on Appropriations, Subcommittee on Transportation.

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, reported to the Standing Committee on Appropriations, with a favorable recommendation and recommend that the bill be re-referred to the Committee on Finance.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

H.B. 1583, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE STATE FOR DOMESTIC VIOLENCE PROGRAMS BE ADMINISTERED BY ONE STATE AGENCY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer **H.B. 1579,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF MONTGOMERY TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE TO THE COUNTY OF MONTGOMERY, to the Permanent Subcommittee on Local, Regional, and State Revenues.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 13, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1230,** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, and requests conferees. The President Pro Tempore appoints:

Senator Kerr, Chairman
Senator Hoyle
Senator Hartsell

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Brawley, Chair; Representatives Buchanan, Sexton, and Hill as conferees on the part of the House and the Senate is so notified by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Brown and without objection, Senate Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER, DAVIDSON, AND DAVIE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION, is withdrawn from the Calendar and placed on the Calendar of July 15.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1410,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS

RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

On motion of Representative Preston, the House concurs in the Senate committee substitute, by electronic vote (109-0), and the bill is ordered enrolled and presented to the Governor.

Committee Substitute for **S.B. 1137,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: Representatives Baker and Hiatt - 2.

Excused absences: Representatives Barbee, Dockham, Ellis, McAllister, Mosley, Nye, and C. Wilson - 7.

Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES.

Representative Cansler offers Amendment No. 1 which is adopted by electronic vote (104-6).

Representative Shubert offers Amendment No. 2 which is adopted by electronic vote (108-1).

Representative Starnes offers Amendment No. 3 which fails of adoption by electronic vote (40-68).

The bill, as amended, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House amendments.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: Representative Justus.

Excused absences: Representatives Barbee, Dockham, Ellis, McAllister, Mosley, Nye, and C. Wilson - 7.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1569,** A BILL TO BE ENTITLED AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT

FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRYFORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY PROVIDING FOR A SINGLE TIER DESIGNATION FOR TWO-COUNTY INDUSTRIAL PARKS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dickson, Earle, Easterling, Esposito, Fitch, Fox, Gamble, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Nesbitt, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill,

Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, G. Wilson, Womble, Wright, and Yongue - 92.

Voting in the negative: Representatives Allred, Berry, Capps, Clary, Davis, Eddins, Gardner, Hall, Hensley, Howard, Kiser, Luebke, McComas, Neely, Nichols, Shubert, Starnes, Weatherly, and Wood - 19.

Excused absences: Representatives Barbee, Dockham, Ellis, McAllister, Mosley, Nye, and C. Wilson - 7.

Representative Justus requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (93-19).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1361,** A BILL TO BE ENTITLED AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS, passes its second reading, by electronic vote (105-6), and there being no objection is read a third time.

Representative Allred requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (106-6).

The bill passes its third reading and is ordered sent to the Senate.

On motion of Representative Morgan, seconded by Representative McCombs, the House adjourns at 3:21 p.m. to reconvene July 15 at 2:00 p.m.

ONE HUNDRED SIXTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 15, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"God of Grace and God of Glory, on Thy people pour Thy power.

"Pour upon this legislature the power to determine what is best in the interests of Your people who live in this state. Pour upon this legislature the power to make the necessary and sacrificial decisions that are so difficult to make. Pour upon this legislature the power to make laws that are not filled with the rhetoric of special interest and back room deals. Pour upon this legislature the commitment to public responsibility. Pour upon this legislature, each and everyone of us, the conviction of sacred trust, a deep sense of personal integrity, and the resolve to live as authentic and genuine men and women of leadership. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 14 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (92-0).

Leaves of absence are granted Representatives Barbee, Dockham, McAllister, and C. Wilson for today. Representative Miller is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1129, AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.

H.B. 1410, AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1137, AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL.

S.B. 1478, AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1288, AN ACT TO ADD TWO MEMBERS TO THE MONTREAT BOARD OF COMMISSIONERS AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBERS. (S.L. 1998-38)

H.B. 1504, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE. (S.L. 1998-39)

H.B. 1622, AN ACT TO AUTHORIZE THE TOWNS OF WALLACE AND FAISON TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (S.L. 1998-40)

H.B. 1637, AN ACT TO SETTLE ANNEXATION LITIGATION BY REPEALING AN ANNEXATION ORDINANCE OF THE TOWN OF CAPE CARTERET. (S.L. 1998-41)

H.B. 1638, AN ACT TO EXPAND FROM TEN PERCENT TO TWENTY-FIVE PERCENT OF THE PRIMARY CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY THAT MAY BE IN SATELLITE ANNEXATIONS. (S.L. 1998-42)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1491, A BILL TO BE ENTITLED AN ACT TO AMEND THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES TO ALLOW THE INDIVIDUAL INCOME TAXPAYER TO ADD BACK FOUR TIMES THE AMOUNT CLAIMED AS A CREDIT EACH TAX YEAR THE TAXPAYER CLAIMS A CREDIT, WHICH AMOUNT REPRESENTS THE PORTION

OF THE FAIR MARKET VALUE OF THE DONATED PROPERTY INTEREST THAT REPRESENTS THE AMOUNT OF THE CREDIT CLAIMED FOR THAT TAX YEAR, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

S.B. 138, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1391, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A

FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

House Committee Substitute for **S.B. 1333,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

House Committee Substitute for **S.B. 1397,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1410,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 16.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

Committee Substitute for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

S.B. 1149, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE

FOR THE RESPITE CARE PROGRAM, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Neely for the Committee on Judiciary II:

H.B. 1354, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND MODERNIZE THE TORRENS LAND TITLE REGISTRATION PROCEDURES OF THE STATE, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1470, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A PILOT PROGRAM OF SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY ISSUES, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

H.B. 1701, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM IN ALAMANCE COUNTY TO DETERMINE THE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK RELEASE, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representative McCombs for the Committee on Pensions and Retirement:

H.B. 1396, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S FUND ASSOCIATION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of July 16. The original bill is placed on the Unfavorable Calendar.

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE CREDIT FOR PROBATIONARY EMPLOYMENT WITH A LOCAL GOVERNMENT, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

Committee Substitute for **S.B. 1124,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.B. 626, A BILL TO BE ENTITLED AN ACT RELATING TO CARTERET COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of July 16. The original bill is placed on the Unfavorable Calendar.

H.B. 1307, A BILL TO BE ENTITLED AN ACT REGARDING AVERY COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of July 16. The original bill is placed on the Unfavorable Calendar.

H.B. 1309, A BILL TO BE ENTITLED AN ACT REGARDING BURKE COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1757, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE JULY 1, 1998, with a favorable report and recommendation that the bill be re-referred to the Committee on Human Resources.

The bill is re-referred to the Committee on Human Resources.

S.J.R. 1600, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER FOR WOMEN LEGISLATORS, with a favorable report as to House committee substitute joint resolution, which changes the title, unfavorable as to original resolution.

Pursuant to Rule 36(a), the House committee substitute joint resolution is placed on today's Calendar. The original resolution is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER AND DAVIDSON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION.

On motion of Representative Brown, the House concurs in the material Senate committee substitute on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 115.

Voting in the negative: None.

Excused absences: Representatives Barbee, Dockham, McAllister, and C. Wilson - 4.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of July 29.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 726,** A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

House Committee Substitute for **S.B. 1569,** A BILL TO BE ENTITLED AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT

TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRYFORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY PROVIDING FOR A SINGLE TIER DESIGNATION FOR TWO-COUNTY INDUSTRIAL PARKS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES.

Representative Redwine offers Amendment No. 1 which is adopted by electronic vote (111-2).

Representative Berry offers Amendment No. 2 which fails of adoption by electronic vote (26-88).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dickson, Earle, Easterling, Esposito, Fitch, Fox, Gamble, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, G. Wilson, Womble, Wright, and Yongue - 94.

Voting in the negative: Representatives Allred, Berry, Capps, Clary, Davis, Eddins, Ellis, Gardner, Hall, Hensley, Howard, Kiser, Luebke, McComas, Neely, Nichols, Shubert, Starnes, Tallent, Weatherly, and Wood - 21.

Excused absences: Representatives Barbee, Dockham, McAllister, and C. Wilson - 4.

Committee Substitute No. 2 for **H.B. 1544,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Arnold, Baddour, Baker, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardy, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wright, and Yongue - 101.

Voting in the negative: Representatives Allred, Blue, Decker, Fitch, Hall, Hardaway, Hensley, Hiatt, Michaux, and Wood - 10.

Excused absences: Representatives Barbee, Dockham, McAllister, Miller, and C. Wilson - 5.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY.

Representative Cansler offers Amendment No. 1 which is adopted by electronic vote (110-0).

The bill, as amended, passes its second reading by electronic vote (105-6).

Representative Braswell objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1487, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS, passes its second reading, by electronic vote (82-29), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING.

Pursuant to Rule 36.1, Representative Brawley, Co-Chair of the Committee on Finance, requests a fiscal note on the bill.

The bill is removed from the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.J.R. 1600,** A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER JOINT RESOLUTIONS HONORING LILLIAN E. CLEMENT, ERNEST BRYAN MESSER, JEFF HAILEN ENLOE, JR., ARCHIBALD KIMBROUGH DAVIS, WILLIAM CLINTON "BUCK" HARRIS, JR., JAMES M. POYNER, AND GUS NICKOLAS ECONOMOS, FORMER MEMBERS OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

Representative Hardy states that his voting equipment malfunctioned and requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (106-0).

The resolution passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

SUBCOMMITTEE REFERRALS

Representative Gray, Senior Ranking Member and Co-Chair for the Standing Committee on Finance, refers the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

Committee Substitute for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH; and

Committee Substitute for **H.B. 1629,** A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO AND GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS.

On motion of Representative Morgan, seconded by Representative Hensley, the House adjourns at 3:39 p.m. to reconvene July 16 at 11:00 a.m.

ONE HUNDRED SIXTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, July 16, 1998

The House meets at 11:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"How lovely are Your dwelling places, O Lord our God. You rest in the heavens. You work through Your Church. You dwell in our hearts. Through You and because of You our lives are special gifts which inspire us to become like little children before Thee.

"Our days are filled with work and with laughter...with joy and with sadness...with toil and with sweat...with resolve and with purpose. This is,

of course, why we are here...to work on Your behalf in a world which desperately needs You, but which often forgets about You.

"Teach us, O God, how to live by example. Teach us how to set an example of humility and servanthood; an example of commitment and purity; an example of selflessness and self-denial. These are the characteristics of heaven which we must seek to demonstrate, not just as leaders of government, but as true leaders of justice and peace and righteousness...'Blessed are those who hunger and thirst for righteousness, for they shall see God'...for Your name's sake, we pray and move and have our being. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 15 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (94-0).

Leaves of absence are granted Representatives Barbee, Buchanan, Cunningham, Dockham, Hardy, McAllister, C. Wilson, and Wood for today. Representative Miller is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 354, AN ACT TO ELIMINATE THE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BOND FORFEITURE CASES.

H.B. 1334, AN ACT TO INCREASE THE NUMBER OF CONTRACTORS ON THE BUILDING CODE COUNCIL AND TO REQUIRE COUNCIL TO CONSIDER THE IMPACT OF CODE CHANGES ON THE AFFORDABILITY OF RESIDENTIAL HOUSING.

ENROLLED BILL

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 1600, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER JOINT RESOLUTIONS HONORING LILLIAN E. CLEMENT, ERNEST BRYAN MESSER, JEFF HAILEN ENLOE, JR., ARCHIBALD KIMBROUGH DAVIS, WILLIAM CLINTON "BUCK" HARRIS, JR.,

JAMES M. POYNER, AND GUS NICKOLAS ECONOMOS, FORMER MEMBERS OF THE GENERAL ASSEMBLY. (RESOLUTION 37)

SUBCOMMITTEE REFERRAL

Representative Holmes, Senior Ranking Member and Co-Chair, for the Standing Committee on Appropriations, refers Committee Substitute for **H.B. 1477,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT, to the Permanent Subcommittee on Human Resources.

MESSAGES FROM THE SENATE

The following are received from the Senate:

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is read the first time and referred to the Committee on Pensions and Retirement.

S.J.R. 1599, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF SAMUEL JAMES ERVIN, IV MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1284,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALEXANDER AND DAVIDSON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION.

On motion of Representative Brown, the House concurs in the material Senate committee substitute, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Beall, Berry, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Cansler, Capps, Carpenter, Church, Clary, Cole, Creech, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nichols, Nye, Oldham, Owens, Ramsey, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wright, and Yongue - 94.

Voting in the negative: None.

Excused absences: Representatives Barbee, Buchanan, Cunningham, Dockham, Hardy, McAllister, Miller, C. Wilson, and Wood - 9.

Representative Rayfield requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (95-0).

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Smith and without objection, Committee Substitute for **H.B. 626,** A BILL TO BE ENTITLED AN ACT RELATING TO ESTABLISH NO-WAKE ZONES IN THE TOWNS OF MOREHEAD CITY AND CEDAR POINT IN CARTERET COUNTY AND WRIGHTSVILLE BEACH IN NEW HANOVER COUNTY, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Warwick and without objection, Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT

TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, is withdrawn from the Calendar and placed on the Calendar of July 21.

CALENDAR (continued)

Committee Substitute for **H.B. 1396,** A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S FUND ASSOCIATION, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1307,** A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF BANNER ELK BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute No. 2 for **H.B. 1544,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE.

Representative Hall moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Judiciary I.

Representative Hall withdraws his motion.

Representative Decker moves that the bill be withdrawn from the Calendar and placed on the Calendar of July 21. The motion fails by electronic vote (24-84).

The bill passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Beall, Berry, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Dedmon, Earle, Easterling, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs,

McCrary, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Thompson, Tolson, Wainwright, Watson, Weatherly, G. Wilson, Wright, and Yongue - 84.

Voting in the negative: Representatives Adams, Allred, Blue, Boyd-McIntyre, Capps, Cole, Davis, Decker, Dickson, Eddins, Fitch, Hall, Hardaway, Hensley, Hiatt, H. Hunter, Michaux, Mosley, Nichols, Rayfield, Reynolds, Starnes, Warner, Warwick, and Womble - 25.

Excused absences: Representatives Barbee, Buchanan, Cunningham, Dockham, Hardy, McAllister, C. Wilson, and Wood - 8.

On motion of the Chair, the House recesses at 11:50 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY.

The bill, as amended, passes its third reading, by electronic vote (85-4), and is ordered sent to the Senate for concurrence in House amendment.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1137, AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL. (S.L. 1998-43)

S.B. 1478, AN ACT RELATING TO INVESTMENTS OF THE COUNTY OF FORSYTH. (S.L. 1998-44)

S.B. 1093, AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CERTIFY THE BROAD FEASIBILITY OF

STATE CONSTRUCTION PROJECTS AND MAKE THAT CERTIFICATION A PREREQUISITE TO FUNDING. (S.L. 1998-45)

S.B. 452, AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES. (S.L. 1998-46)

On motion of Representative Morgan, seconded by Representative Mitchell, the House adjourns at 12:18 p.m. to reconvene Monday, July 20, 1998, at 7:00 p.m.

ONE HUNDRED SIXTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 20, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Eternal God, it is good and right and appropriate for us to greet You this evening. Thank You for bending Thine ear toward us. Hopefully, we have rested up for this new week of opportunity to serve You. Hopefully, we found the time to worship and had our spirits and souls renewed and refreshed by the blowing of Your Holy Spirit. Hopefully, we have come as those who are prepared to continue the work of Your people. If not, then prepare us accordingly. If so, then move quickly to our side. As we begin our responsibilities this week, send forth the freshness of Thy Spirit to invigorate us, to challenge us, to provoke us, to forgive us, to offer us Thy grace and to put us to doing what Thou wouldst have us to do. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 16 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (92-0).

Leaves of absence are granted Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 186, AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES.

H.B. 1368, AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1284, AN ACT TO ALLOW ALAMANCE, ALEXANDER, DAVIDSON, DAVIE, AND WILKES COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 962, AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY ADMISSION OF PARENTS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE. (S.L. 1998-47)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1354,** A BILL TO BE ENTITLED AN ACT TO IMPROVE AND MODERNIZE THE TORRENS LAND TITLE REGISTRATION PROCEDURES OF THE STATE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1489, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TAX OFFICIALS TO SHARE TAX INFORMATION TO FACILITATE COLLECTION OF VEHICLE RENTAL TAXES, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 649,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LATE FILING OF REPORTS BY LOBBYIST AND PRINCIPAL, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

Committee Substitute for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW ALAMANCE, CATAWBA, CUMBERLAND, DAVIDSON, DAVIE, DURHAM, HOKE, LINCOLN, ROBESON, AND WAYNE COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative McCombs, Vice-Chair, for the Committee on Pensions and Retirement:

H.B. 1516, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE RETIREMENT BENEFITS PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRALS

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer the following bills to the Permanent Subcommittee on Local, Regional, and State Revenues:

H.B. 1309, A BILL TO BE ENTITLED AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN; and

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representatives Alexander, Adams, Allen, Baddour, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brawley, Church, Clary, Cunningham, Daughtry, Dedmon, Earle, Easterling, Esposito, Fox, Gardner, Goodwin, Hall, Hardaway, Hensley, Hightower, Hill, Howard, Hurley, Insko, Jarrell, Jeffus, Luebke, Michaux, Moore, Morris, Mosley, Neely, Nesbitt, Nye, Owens, Preston, Ramsey, Redwine, Reynolds, Russell, Sherrill, Shubert, Smith, Sutton, Tolson, Wainwright, Warwick, Watson, C. Wilson, and Yongue:

H.J.R. 1760, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS, is referred to the Committee on Rules, Calendar, and Operations of the House.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 16, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in House Amendments No. 1 and No. 2 to **S.B. 1252** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, and requests conferees. The President Pro Tempore appoints:

Senator Hoyle, Chairman
Senator Kerr
Senator Carrington

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED

911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10, is read the first time and referred to the Committee on Commerce and, if favorable, to the Committee on Finance.

S.B. 1243, A BILL TO BE ENTITLED AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION, is read the first time and referred to the Committee on Judiciary II.

Committee Substitute for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, TO MAKE CONFORMING CHANGES TO THE STATUTES, AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE; AND TO PROVIDE THAT A CHILD WHO POSSESSES OR SELLS ALCOHOL OR A CONTROLLED SUBSTANCE ON SCHOOL PROPERTY, WHO POSSESSES OR USES A WEAPON ON SCHOOL PROPERTY, OR WHO ASSAULTS A SCHOOL EMPLOYEE SHALL NOT BE ELIGIBLE TO OBTAIN OR SHALL LOSE HIS OR HER NORTH CAROLINA DRIVERS LICENSE, is read the first time and referred to the Committee on Judiciary II and, if favorable, to the Committee on Appropriations.

Committee Substitute for **S.B. 1300,** A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, is read the first time and referred to the Committee on Insurance and, if favorable, to the Committee on Judiciary II.

Committee Substitute for **S.B. 1373,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING THE TAR-PAMLICO RIVER BASIN, is read the first time and referred to

the Committee on Environment and, if favorable, to the Committee on Judiciary II.

Committee Substitute for **S.B. 1556,** A BILL TO BE ENTITLED AN ACT TO EXTEND TAX-EXEMPT FINANCING UNDER THE HIGHER EDUCATION FACILITIES FINANCE ACT TO PRIVATE ELEMENTARY AND SECONDARY SCHOOL FACILITIES, is read the first time and referred to the Committee on Finance.

INTRODUCTION OF PAGES

Pages for the week of July 20 are introduced to the membership. They are: Farhad Ardeshirpour of Wake; Tracy Demar Avery of Wake; Phillip Kent Beck of Randolph; Thomas Christopher Broderick of Washington; Susan E. Burns of Mecklenburg; Erin Elizabeth Culpepper of Chowan; Kristi Lee Deeley of Wake; Jason Scher Deitch of Wake; Emily R. Edwards of Guilford; Webster Glenn Harrison of Wake; Walter Carson Israel of Gaston; Martin Rossie Jernigan of Sampson; Laura S. Laughinghouse of Wake; April Nicole Lyle of Cumberland; Robert Jordan McCarter of Gaston; Patricia Blair McGillicuddy of Iredell; Susan Elizabeth Patton of Wake; Stuart Pratt of Mecklenburg; Bradley Carr Prosser of Wake; Katie Snider Redden of Iredell; Travis Vaughndere Suber of Polk; Kathryn Haddan Suther of Iredell; and Heather Leigh Wilson of Sampson.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke,

McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1333,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1397,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS ON PRIVATE PROPERTY TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert,

Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1410,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue - 88.

Voting in the negative: Representatives Allred, Hardy, Nye, and Wood - 4.

Excused absences: Representatives Adams, Blue, Brawley, Cunningham, Earle, Hightower, McAllister, Mercer, Wainwright, and Wright - 10.

Representative Daughtry states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (89-4).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1474,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

Representative McComas requests that he be excused from voting on this bill, because he is in the business professionally, under Rule 24.1A and this request is granted.

Representative Kiser offers Amendment No. 1 which is adopted by electronic vote (97-0).

Representative Clary offers Amendment No. 2 which is adopted by electronic vote (96-1).

The bill, as amended, passes its second reading by electronic vote (96-1).

Representative Wood objects to the third reading. The bill remains on the Calendar.

On motion of Representative Morgan, seconded by Representative Rayfield, the House adjourns at 7:33 p.m. to reconvene July 21 at 2:00 p.m.

ONE HUNDRED SIXTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 21, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by the Reverend Doctor William E. Smith, Professor Emeritus, Duke University, Durham, North Carolina. (The text of the prayer may be found in the Appendix.)

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 20 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Representatives Mosley and McAllister state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (99-0).

Leaves of absence are granted Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright for today.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1611, AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE.

H.B. 1661, AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1284, AN ACT TO ALLOW ALAMANCE, ALEXANDER, DAVIDSON, DAVIE, AND WILKES COUNTIES TO ACQUIRE PROPERTY FOR USE BY THE COUNTY BOARDS OF EDUCATION. (S.L. 1998-48)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Holmes, Esposito, Creech, and Crawford, Co-Chairs, for the Committee on Appropriations:

Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar of July 22. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gray, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1369,** A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

House Committee Substitute for **S.B. 245,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1001,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced, read the first time and referred to committee:

By Representatives Beall and Ramsey:

H.J.R. 1761, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Beall and Ramsey:

H.J.R. 1762, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1111, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1355,** A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE PROCUREMENT PROCESS, is returned for concurrence in Senate committee substitute and referred to the Committee on State Government.

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, is returned for concurrence in Senate amendment and referred to the Committee on Local and Regional Government II.

Committee Substitute for **S.B. 873,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION, is read the first time and referred to the Committee on Finance.

Committee Substitute for **S.B. 1171,** A BILL TO BE ENTITLED AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR EXISTING WATER SUPPLY WELLS

Committee Substitute for **S.B. 1171,** A BILL TO BE ENTITLED AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR EXISTING WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES, is read the first time and referred to the Committee on Environment.

Committee Substitute for **S.B. 1314,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is read the first time and referred to the Committee on Environment.

Committee Substitute for **S.B. 1552,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, AND TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, is read the first time and referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

CONFEREES APPOINTED

The Speaker announces the following conferees on Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES: Representatives Brawley, Capps, Rayfield, and Womble.

The Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Committee Substitute No. 2 for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps,

Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

House Committee Substitute for **S.B. 1333,** A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

House Committee Substitute No. 2 for **S.B. 1397,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS ON PRIVATE PROPERTY TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper,

Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

Committee Substitute for **S.B. 1410,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

Committee Substitute No. 2 for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper,

Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 101.

Voting in the negative: Representatives Allred, Nye, and Wood - 3.

Excused absences: Representatives Blue, Brawley, Cunningham, Earle, Fitch, Hackney, Hall, Howard, Wainwright, and Wright - 10.

Representative Hardy requests to be recorded as voting "no". This request is granted. The adjusted vote total is (100-4).

Committee Substitute for **S.B. 1451,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Committee Substitute No. 2 for **H.B. 1474,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

Pursuant to Rule 24.1A(c), the request that Representative McComas be excused from voting on July 20 is continued.

Representative Wood offers Amendment No. 3.

Representative Allred offers Perfecting Amendment No. 4 which fails of adoption by electronic vote (31-73).

Amendment No. 3 fails of adoption by electronic vote (6-98).

The bill, as amended, passes its third reading, by electronic vote (98-3), and is ordered engrossed and sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1583, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT GRANT FUNDS ADMINISTERED BY THE STATE FOR DOMESTIC VIOLENCE PROGRAMS BE ADMINISTERED BY ONE STATE AGENCY, passes its second reading, by electronic vote (98-5), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 2:52 p.m. to reconvene July 22 at 10:00 a.m.

ONE HUNDRED SIXTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 22, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Starnes.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 21 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (74-0).

Leaves of absence are granted Representatives Blue, Brawley, Fitch, and Wright for today. Representatives Braswell, Cunningham, Miner, and Russell are excused for a portion of the session.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

TO: Members of the North Carolina General Assembly
FROM: Representative John R. Gamble, Jr.
RE: Resignation/North Carolina House of Representatives

It is with a high degree of regret that I write to you and tell you of my planned resignation to the House of Representatives effective August 1, 1998.

I do not feel that I could be comfortable in Raleigh because of the nature of my wife's illness history. Although she has made a good recovery, it may be sometime before there is a reasonable assurance of no further problems.

I want to thank everyone for the opportunity of knowing you, the opportunity to make friends, and the opportunity of learning from you.

It has been my honor and privilege to serve Gaston and Lincoln Counties for nearly sixteen years, and that has offered me many opportunities and rewards - and I thank the voters of those two counties for seeing fit to send me to Raleigh for this unique and educational experience.

My best wishes to all the members of the General Assembly and to those very capable members of the General Assembly Staff.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1229, AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1103, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN.

S.B. 1399, AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS.

S.B. 1410, AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN.

S.B. 1451, AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 186, AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES.

H.B. 1368, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from permanent subcommittee are presented:

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

H.B. 1579, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF MONTGOMERY TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE TO THE COUNTY OF MONTGOMERY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of July 23.

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative Neely:

H.J.R. 1763, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Representative Mitchell offers Amendment No. 1 which is adopted by electronic vote (102-1).

Representatives Allred, Baddour, and Cunningham state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (105-0).

Representative Daughtry offers Amendment No. 2 which is adopted by electronic vote (109-1).

Representative Wainwright states that his voting equipment malfunctioned and he requests to be recorded as voting "aye". This request is granted. The adjusted vote total is (110-1).

Representative Neely offers Amendment No. 3.

On motion of the Chair, Amendment No. 3 is temporarily displaced.

Representative Miller offers Amendment No. 4 which fails of adoption by electronic vote (48-62).

Amendment No. 3, which was temporarily displaced, is before the Body.

Amendment No. 3 is adopted by electronic vote (107-1).

Representative Hensley offers Amendment No. 5 which fails of adoption by electronic vote (48-62).

Representative Hensley offers Amendment No. 6 which fails of adoption by electronic vote (49-63).

Representative Yongue offers Amendment No. 7 which is adopted by electronic vote (63-49).

Representative Russell offers Amendment No. 8.

Representative Dockham inquires of the Chair if a fiscal note is available on the amendment.

On motion of Representative Dockham and without objection, Amendment No. 8 is temporarily displaced.

Representative Nesbitt offers Amendment No. 9 which fails of adoption by electronic vote (49-63).

Representative Cansler offers Amendment No. 10 which is adopted by electronic vote (99-0).

Representative Capps offers Amendment No. 11 which is adopted by electronic vote (100-5).

Representative Baddour offers Amendment No. 12 which is adopted by electronic vote (94-11).

Representative Culp offers Amendment No. 13 which is adopted by electronic vote (104-0).

Representative Rogers offers Amendment No. 14 which is adopted by electronic vote (64-44).

Representative Hardy requests and is granted permission to be recorded as voting "no". The adjusted vote total is (64-45).

Amendment No. 8, which was temporarily displaced, is before the Body.

Amendment No. 8 is adopted by electronic vote (74-35).

Representative Holmes offers Amendment No. 15.

On motion of the Chair, Amendment No. 15 is temporarily displaced.

Representative Easterling offers Amendment No. 16.

On motion of the Chair, Amendment No. 16 is temporarily displaced.

Amendment No. 15, which was temporarily displaced, is before the Body.

Amendment No. 15 is adopted by electronic vote (110-0).

On motion of the Chair, the House recesses at 1:30 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

Amendment No. 16, which was temporarily displaced, is before the Body.

Amendment No. 16 is adopted by electronic vote (62-49).

Representative Allred offers Amendment No. 17 which is adopted by electronic vote (111-0).

Representative Wainwright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (112-0).

Representative Owens offers Amendment No. 18 which is adopted by electronic vote (60-51).

Representative Fox offers Amendment No. 19 which fails of adoption by electronic vote (54-58).

Representative Capps offers Amendment No. 20.

On motion of the Chair, Amendment No. 20 is temporarily displaced.

Representative Alexander offers Amendment No. 21 which fails of adoption by electronic vote (49-62).

Amendment No. 20, which was temporarily displaced, is before the Body.

Amendment No. 20 fails of adoption by electronic vote (31-75).

Representative Alexander offers Amendment No. 22.

On motion of the Chair, Amendment No. 22 is temporarily displaced.

Representative Allred offers Amendment No. 23 which is adopted by electronic vote (86-14).

Representative Allred offers Amendment No. 24.

On motion of the Chair, Amendment No. 24 is temporarily displaced.

Amendment No. 22, which was temporarily displaced, is before the Body.

Amendment No. 22 is adopted by electronic vote (57-55).

Representative Ellis offers Amendment No. 25.

Representative Redwine inquires of the Chair if an amendment would be in order so that additional money could be added to Smart Start and to Mental Health. The Chair rules that it would not be permissible because it

would be inconsistent with the procedure that the House has followed in considering amendments to the budget.

Amendment No. 25 is adopted by electronic vote (112-1).

Representative Insko offers Amendment No. 26.

On motion of the Chair, Amendment No. 26 is temporarily displaced.

Representative Sexton offers Amendment No. 27 which is adopted by electronic vote (91-17).

Representative Baddour requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (92-17).

Amendment No. 24, which was temporarily displaced, is before the Body.

Representative Allred withdraws Amendment No. 24.

Representative Allred offers Amendment No. 28 which fails of adoption by electronic vote (37-71).

Representative Culpepper offers Amendment No. 29 which is adopted by electronic vote (104-1).

Representative Hardy requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (105-1).

Representative Adams offers Amendment No. 30 which fails of adoption by electronic vote (50-59).

Representative McComas offers Amendment No. 31 which is adopted by electronic vote (102-6).

The Speaker votes "aye". The adjusted vote total is (103-5).

Representative Redwine offers Amendment No. 32 which is adopted by electronic vote (108-2).

Representative Davis offers Amendment No. 33.

On motion of the Chair, Amendment No. 33 is temporarily displaced.

Representative Nesbitt offers Amendment No. 34 which fails of adoption, due to the lack of a majority, by electronic vote (55-55).

Amendment No. 26, which was temporarily displaced, is before the Body.

Amendment No. 26 fails of adoption by electronic vote (47-59).

Amendment No. 33, which was temporarily displaced, is before the Body.

Amendment No. 33 is adopted by electronic vote (64-41).

Representative Hightower offers Amendment No. 35.

Representative Morgan calls the previous question on the amendment and the call is sustained by electronic vote (68-41).

Amendment No. 35 fails of adoption by electronic vote (52-56).

On motion of the Chair, the House recesses at 7:35 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

Representative Buchanan offers Amendment No. 36 which fails of adoption by electronic vote (40-54).

The bill, as amended, passes its second reading by the following vote, and remains of the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Berry, Black, Bonner, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hill, Holmes, Howard, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Thompson,

Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, and Yongue - 94.

Voting in the negative: Representatives Decker, Hackney, Hensley, Hightower, Hurley, McAllister, Sutton, and Womble - 8.

Excused absences: Representatives Blue, Braswell, Brawley, Fitch, Goodwin, and Wright - 6.

Representatives Sherrill, Creech, Morris, and Womble state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (98-7).

Representative Holmes moves that Rule 41(b) be suspended in order that the bill may receive its third reading today. The motion carries by electronic vote (101-3).

Having voted with the prevailing side, Representative McComas moves that the vote by which Amendment No. 22 was adopted be reconsidered.

Representative Redwine inquires of the Chair if the motion is in order. The Speaker rules that the motion is not in order.

Representative Gamble moves to reconsider the vote by which the bill passed its second roll call reading and the motion fails by electronic vote (17-91).

The bill, as amended, passes its third roll call reading, by the following vote, and the bill is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hiatt, Hill, Holmes, Howard, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton,

Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 104.

Voting in the negative: Representatives Decker, Earle, Hackney, Hensley, Hightower, Insko, Rayfield, and Wood - 8.

Excused absences: Representatives Blue, Braswell, Brawley, Fitch, Goodwin, and Wright - 6.

Representative Rayfield requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (105-7).

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee and permanent subcommittee are presented:

By Representatives Gray, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS CRITICAL STATEWIDE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, WATER CONSERVATION PROJECTS, AND WATER REUSE PROJECTS (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, AND (3) FOR GRANTS OR LOANS FOR RURAL SCHOOLS FOR A SCHOOL WATER OR WASTEWATER PROJECT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with

approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1611, AN ACT TO CLARIFY THE PART OF THE CARTERET/CRAVEN COUNTY BOUNDARY MODIFIED BY CHAPTER 207 OF THE 1993 SESSION LAWS NOW THAT THE SURVEY REQUIRED BY THAT ACT HAS BEEN MADE. (S.L. 1998-49)

H.B. 1661, AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO PROVIDE STATIONARY CONTAINER SERVICE TO HOUSING UNITS THAT QUALIFY FOR ROLL OUT CART SERVICE WITHOUT CHARGING ADDITIONAL FEES. (S.L. 1998-50)

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 7:59 p.m. to reconvene July 23 at 9:00 a.m.

ONE HUNDRED SIXTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, July 23, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal and Most Merciful God, it is most often in the midst of our struggles and our confusion where we can find You for You are not a God who chooses to remain off in the distance from Your people. As we peruse the stories of Your people, this is the truth that we find to be constant, that when we find ourselves divided, we find You busy working among us. Although we stand on different sides of the aisle on the issues that face this Body, we are, indeed, bound by a camaraderie that extends beyond party lines. We share a mutual responsibility that often brings us together rather than separates us. We are a people who have been set apart for representative service, and that privilege binds our responsibilities into a genuine respect for each other and our common goals of serving Your people. Grant unto this Body and its leaders hearts that are intent on seeking to do good will, acts of mercy, and justice for all God's people. O God of us all, keep us ever mindful of the need to be genuine and sincere and open to the moving of Your Spirit as we complete Thy eternal work. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 22 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Blue, Braswell, Brawley, Cunningham, Fitch, McAllister, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1569, AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE

MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRYFORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY PROVIDING FOR A SINGLE TIER DESIGNATION FOR TWO-COUNTY INDUSTRIAL PARKS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Cansler, Clary, and Gardner, Co-Chairs, for the Permanent Subcommittee on Human Resources of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1477,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE

LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1541,** A BILL TO BE ENTITLED AN ACT TO ALLOW COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE SALE OR LEASE OF DONATED PROPERTY FOR SPECIFIC EDUCATIONAL PURPOSES, is returned for concurrence in Senate committee substitute and placed on the Calendar of July 27.

Upon concurrence, the Senate committee substitute changes the title.

S.J.R. 1603, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.B. 1579, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF MONTGOMERY TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE TO THE COUNTY OF MONTGOMERY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

On motion of Representative Morgan, seconded by Representative McCombs, the House adjourns at 9:10 a.m. to reconvene Monday, July 27, 1998, at 8:00 p.m.

ONE HUNDRED SIXTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, July 27, 1998

The House meets at 8:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Loving God, how You long to hear the whisper of our voices. How You wait patiently for us to establish communication with You. How You desire a relationship with us that is based on faith and trust in all that we know You to be, despite our inadequacies of fully understanding or comprehending Your magnificence.

"Eternal Lord, our human lives are but a spark in the timeline of eternity. Yet, in the brush of the flint, You give us the opportunity to fan flames of goodness, to perform acts of mercy, to do justice, and to walk humbly with God and with our neighbor. Teach us to cling to the spark of Thy divine initiative that dwells deep within each of us. Help us to fan the flames of Thy eternal Spirit so that when our time is completed and our respective sparks are no more, the glow of Your accomplishments, having been worked through us, will continue to point the way to justice, mercy, humility, servanthood, and ultimately, to You, O God, our Rock and our Redeemer. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 23 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (90-0).

Leaves of absence are granted Representatives Berry, Bonner, Cole, Daughtry, Davis, Earle, Gray, Kinney, Kiser, Mosley, Miner, Russell, Sherrill, Thompson, Warner, Wood, and Watson for today.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1397, AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS ON PRIVATE PROPERTY TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY.

H.B. 1277, AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

H.B. 1352, AN ACT TO REPEAL THE INITIATIVE AND REFERENDUM AUTHORITY OF CABARRUS COUNTY AND THE CITY OF CONCORD.

H.B. 1525, AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG.

H.B. 1549, AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1103, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN. (S.L. 1998-51)

S.B. 1399, AN ACT TO ALLOW THE CITY OF DURHAM TO PARTICIPATE IN THE COST OF STORM DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY AND TO ALLOW PRIVATE PARTIES TO PAY OVER TIME FOR THEIR PORTION OF THE COST OF THE IMPROVEMENTS. (S.L. 1998-52)

S.B. 1410, AN ACT TO ALLOW THE TOWN BOARD TO ANNEX AN AREA TO THE TOWN OF CHADBOURN. (S.L. 1998-53)

S.B. 1451, AN ACT TO REPEAL THE CHARTER OF THE VILLAGE OF SLOOP POINT. (S.L. 1998-54)

S.B. 1569, AN ACT (1) TO ALLOW CERTAIN RECYCLING FACILITIES AN INVESTMENT TAX CREDIT, A REFUNDABLE INCOME TAX CREDIT, A SALES TAX REDUCTION FOR CRANES AND MATERIALS HANDLING EQUIPMENT, A SALES TAX REFUND FOR CONSTRUCTION MATERIALS, A SALES TAX EXEMPTION FOR ELECTRICITY, AND A PROPERTY TAX EXEMPTION FOR RECYCLING PROPERTY; (2) TO ALLOW AIR COURIERS A SALES TAX REDUCTION FOR MATERIALS HANDLING EQUIPMENT USED AT A HUB, A SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS AND PARTS USED AT A HUB, AND A PROPERTY TAX EXEMPTION FOR AIRCRAFT USED AT A HUB; (3) TO EXPAND THE INDUSTRIAL DEVELOPMENT FUND AND UTILITY ACCOUNT TO INCLUDE THE SAME BUSINESSES AS THE WILLIAM S. LEE ACT, TO EXPAND THE UTILITY ACCOUNT TO TIER TWO COUNTIES, TO RAISE THE MAXIMUM GRANT UNDER THE INDUSTRIAL DEVELOPMENT FUND, AND TO ALLOW LOCAL GOVERNMENTS TO USE PART OF THE INDUSTRIAL DEVELOPMENT FUND GRANT FUNDS TO ADMINISTER THE GRANT; (4) TO PROVIDE FOR THE DESIGNATION OF STATE DEVELOPMENT ZONES, TO PROVIDE A LOWER WAGE STANDARD, A HIGHER WORKER TRAINING CREDIT, A ZERO THRESHOLD FOR THE INVESTMENT TAX CREDIT, AND AN ADDITIONAL JOBS TAX CREDIT WITHIN ZONES, AND TO GIVE ZONES PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS; AND (5) TO AMEND THE WILLIAM S. LEE ACT BY EXPANDING THE CENTRAL ADMINISTRATIVE OFFICE CREDIT TO GROSS PREMIUMS TAXES AND TO JOBS CREATED BEFORE THE PROPERTY IS CONSTRUCTED, BY PROVIDING THAT THE INVESTMENT TAX CREDIT THRESHOLD APPLIES ONLY ONCE FOR A TWO-YEAR PROJECT, BY EXPANDING THE INVESTMENT TAX CREDIT TO

OPERATING LEASES FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY EXPANDING THE RESEARCH AND DEVELOPMENT TAX CREDIT, BY SIMPLIFYING THE WORKER TRAINING TAX CREDIT, BY IMPOSING A FEE FOR INCENTIVE APPLICANTS, BY EXTENDING THE CREDIT CARRYFORWARD PERIOD FOR PROJECTS OVER ONE HUNDRED FIFTY MILLION DOLLARS, BY PROVIDING FOR A SINGLE TIER DESIGNATION FOR TWO-COUNTY INDUSTRIAL PARKS, BY CLARIFYING THAT CREDITS ARE ALLOWED FOR BUSINESSES THAT ARE SOLD ONLY IF THERE IS IMMINENT CLOSURE OR AN EMPLOYEE BUYOUT, BY CLARIFYING THE METHOD OF CALCULATING THE INVESTMENT TAX CREDIT FOR LEASES, AND BY CLARIFYING THE DEFINITIONS OF THE TYPES OF BUSINESSES ELIGIBLE FOR INCENTIVES. (S.L. 1998-55)

H.B. 1410, AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH CULTIVATION LEASES IN CORE SOUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (S.L. 1998-56)

H.B. 1334, AN ACT TO INCREASE THE NUMBER OF CONTRACTORS ON THE BUILDING CODE COUNCIL AND TO REQUIRE COUNCIL TO CONSIDER THE IMPACT OF CODE CHANGES ON THE AFFORDABILITY OF RESIDENTIAL HOUSING. (S.L. 1998-57)

H.B. 354, AN ACT TO ELIMINATE THE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BOND FORFEITURE CASES. (S.L. 1998-58)

S.B. 1129, AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS. (S.L. 1998-59)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 23, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 3 to **S.B. 843,** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE LAWS AND MAKE TECHNICAL AND CLARIFYING AMENDMENTS AND CORRECTIONS IN VARIOUS INSURANCE STATUTES; TO EXTEND THE EXPIRATION DATE OF THE 1986 RISK SHARING PLAN LAW; TO PROVIDE FOR THE LICENSING AND REGULATION OF ENTITIES THAT ADMINISTER WORKERS' COMPENSATION INSURANCE FOR GROUPS OF EMPLOYERS THAT SELF-INSURE; AND TO AMEND THE LAW GOVERNING AGENTS and request conferees. The President Pro Tempore appoints:

Senator Jenkins, Chairman
Senator Reeves
Senator Soles
Senator Rand
Senator Carrington

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Dockham, Chair; Representatives Hurley, Morgan, Gardner, and McComas as conferees on the part of the House and the Senate is so notified by Special Message.

GUEST

The Speaker extends the courtesies of the floor to the Honorable Thomas E. Armstrong, Representative of the 89th House District of the Commonwealth of Pennsylvania.

INTRODUCTION OF PAGES

Pages for the week of July 27 are introduced to the membership. They are: Elizabeth Allran of Catawba; Nathan Hunter Barber of Wake; Kelly Ann Barefoot of Johnston; William Christopher Boren of Columbus;

Craven Casper of Nash; Kresa Maude Jane Cummings of Robeson; Femi David-Yerumo, Jr. of Durham; Kristin Malana Davison of Wake; Nicholas Eli Deaton of Johnston; Robert Taylor Harris of Buncombe; Lindsay Holdren of Cumberland; Meredith Leigh Johnston of Guilford; Jennifer Leigh Jones of Franklin; Tiffany Cheryl Joyner of Pitt; Kimberly Paige Leary of Wake; Jesse Caroline Lichstein of Pitt; Danielle Candance Logan of Wake; Lindsey Thomas Long of Catawba; Drew Marks of Wake; Nicholas McFarlane of New Hanover; Maria Morales of Wake; Shelley Moser of Craven; Lisa Frances Petty of Wake; Jonathan A. Sauls of Durham, Nikolas Smith-Hunnicutt of Buncombe; Brock Leslie Turner of Durham; and Margaret Lynn Zetts of Wake.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1541,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE SALE OF REAL ESTATE DONATED TO THEM FOR THE PURPOSES INTENDED BY THE DONOR.

On motion of Representative Mitchell, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (92-0), and the bill is ordered enrolled and presented to the Governor.

The Senate committee substitute changes the bill from local to public.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Blue, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs,

McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tolson, Wainwright, Warwick, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 92.

Voting in the negative: None.

Excused absences: Representatives Berry, Bonner, Cole, Daughtry, Davis, Earle, Gray, Kinney, Kiser, Miner, Mosley, Russell, Sherrill, Thompson, Warner, Watson, and Wood - 17.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Blue, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tolson, Wainwright, Warwick, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 92.

Voting in the negative: None.

Excused absences: Representatives Berry, Bonner, Cole, Daughtry, Davis, Earle, Gray, Kinney, Kiser, Miner, Mosley, Russell, Sherrill, Thompson, Warner, Watson, and Wood - 17.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Blue, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Shubert, Smith, Starnes, Sutton, Tolson, Wainwright, Warwick, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 92.

Voting in the negative: None.

Excused absences: Representatives Berry, Bonner, Cole, Daughtry, Davis, Earle, Gray, Kinney, Kiser, Miner, Mosley, Russell, Sherrill, Thompson, Warner, Watson, and Wood - 17.

On motion of Representative Morgan, seconded by Representative Blue, the House adjourns at 8:18 p.m. to reconvene July 28 at 2:00 p.m.

ONE HUNDRED SIXTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, July 28, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Great God of Heaven and Earth, Your holiness shines forth like a beam across the sky. Our hearts and souls rejoice as we consider the works Thy hands have wrought. As we continue our paths in the respective niches of our lives, pour forth the light of Your holiness on us so that we, too, may shine forth like a beacon for all to see. Ignite within our inward beings the desire to faithfully serve You and to act as people who have been set apart for special service. Re-create in us the motivation to pursue righteousness for the sake of Your people, but most importantly, for Thy name's sake, and for the sake of Thy eternal kingdom. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 27 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (102-0).

Representatives Fox, Cole, and Easterling request and are granted permission to be recorded as voting "aye". The adjusted vote total is (105-0).

Leaves of absence are granted Representatives Berry, Blue, Bonner, Church, Hightower, Kiser, and Wood for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1541, AN ACT TO ALLOW COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE SALE OR LEASE OF DONATED PROPERTY FOR SPECIFIC EDUCATIONAL PURPOSES.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1333, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1397, AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ALLOW FEES FOR STORMWATER MAINTENANCE, REPAIR, AND IMPROVEMENTS ON PRIVATE PROPERTY TO BE PAID OVER TIME AND BECOME A LIEN ON REAL PROPERTY. (S.L. 1998-60)

H.B. 1277, AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (S.L. 1998-61)

H.B. 1352, AN ACT TO REPEAL THE INITIATIVE AND REFERENDUM AUTHORITY OF CABARRUS COUNTY AND THE CITY OF CONCORD. (S.L. 1998-62)

H.B. 1525, AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LAURINBURG. (S.L. 1998-63)

H.B. 1549, AN ACT TO INCREASE THE FINE FOR DRIVING A VEHICLE ON THE BEACH IN CURRITUCK COUNTY. (S.L. 1998-64)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1617,** A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FOR THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE TAX CREDIT, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 138,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PRIVATELY OWNED COMMUNITY WATER SYSTEMS TO BE ELIGIBLE FOR REVOLVING LOANS AND

GRANTS FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND AND TO ALLOW AN ALTERNATIVE PROCEDURE FOR DISSOLUTION OF A SANITARY DISTRICT THAT HAS NO INDEBTEDNESS AND THE TERRITORY OF WHICH HAS BEEN ENTIRELY ANNEXED, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1309,** A BILL TO BE ENTITLED AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar of July 29. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **H.B. 1629,** A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO AND GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar of July 29. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1280,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, is read the first time and referred to the Committee on Transportation.

Committee Substitute No. 4 for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS, is read the first time and referred to the Committee on Transportation and, if favorable, to the Committee on Finance.

CALENDAR

Action is taken on the following:

H.B. 1602, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: Representative Hardy.

Excused absences: Representatives Berry, Blue, Bonner, Church, Hightower, Kiser, and Wood - 7.

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING, passes its third reading, by the following vote, and is ordered enrolled.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: Representative Hardy.

Excused absences: Representatives Berry, Blue, Bonner, Church, Hightower, Kiser, and Wood - 7.

Committee Substitute No. 2 for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson,

Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: Representative Hardy.

Excused absences: Representatives Berry, Blue, Bonner, Church, Hightower, Kiser, and Wood - 7.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hiatt, Hill, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, C. Wilson, G. Wilson, Womble, and Yongue - 98.

Voting in the negative: Representatives Bowie, Creech, Cunningham, Gamble, Hensley, Holmes, Ives, McAllister, Michaux, Mosley, Oldham, Weatherly, and Wright - 13.

Excused absences: Representatives Berry, Blue, Bonner, Church, Hightower, Kiser, and Wood - 7.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1369,** A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT.

Representative Rayfield offers Amendment No. 1 which is adopted by electronic vote (111-0).

The bill, as amended, passes its second reading by electronic vote (111-0).

On motion of the Chair and without objection, the bill is postponed until July 29.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1289,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING, passes its second reading, by electronic vote (110-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1001,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS AND COMMUNITY FESTIVALS.

Representative Miller offers Amendment No. 1 which is adopted by electronic vote (110-0).

Representative Culpepper inquires of the Chair if the bill is a roll call bill. The Chair rules the bill is not a roll call bill and is properly before the Body.

The bill, as amended, passes its second reading by electronic vote (111-1).

Representative Culpepper objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1477,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT.

Representative Redwine inquires of the Chair if a bill spends money that was appropriated in the Budget Bill, does this violate the earlier ruling made during debate on the budget? The Chair states that the funds in question were appropriated in the Budget Bill and this bill is in order.

The bill passes its second reading, by electronic vote (111-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRALS

On motion of Representative Holmes and without objection, **H.B. 1502,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF

NORTH CAROLINA, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Finance.

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, is withdrawn from the Calendar pursuant to Rule 36(a), and re-referred to the Committee on Finance.

On motion of Representative Morgan and without objection, **H.B. 1615,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Local and Regional Government II.

Representative Morgan moves, seconded by Representative Fox, that the House adjourn, in honor and memory of Jacob Chestnut and John Gibson, the two officers who were slain in the line of duty protecting the United States Capitol, the Members of Congress, and the public, at 2:38 p.m. to reconvene July 29 at 2:00 p.m.

The motion carries. The House stands adjourned.

ONE HUNDRED SEVENTIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, July 29, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Merciful God, draw near to us as we humble ourselves before Thee. Draw near to us as we acknowledge our brokenness. Draw near to us as we seek forgiveness for our sin. Draw near to us as we experience the joy and freedom of Your grace. Draw near to us as we go about our daily chores working and playing. Draw near to us in all of our relationships. Draw near to us as we enter a period of discernment and seek to allocate funds in the areas that will better serve our communities. Draw near to us because we are a people who are in desperate need of Your divine wisdom, Your divine patience and understanding, Your divine ability and willingness to take that which is broken and put it back together again. Draw near to us as we pray, O God, and have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 28 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (106-0).

Leaves of absence are granted Representatives Berry, Kinney, Kiser, Wainwright, and Wood for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1289, AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING.

H.B. 1522, AN ACT TO ALLOW MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A PART-TIME TEACHER OR STATE EMPLOYEE AND TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A LOCAL GOVERNMENTAL EMPLOYEE.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1203, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1333, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS. (S.L. 1998-65)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment.

H.B. 1448, A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1760, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

H.J.R. 1761, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

H.J.R. 1762, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

H.J.R. 1763, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

S.J.R. 1111, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

S.J.R. 1603, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1273, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS OF THE CONSTITUENT INSTITUTIONS

OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Standing Committee on Finance, refer House Committee Substitute for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, to the Permanent Subcommittee on Local, Regional, and State Revenues.

BILL PLACED ON CALENDAR

On motion of Representative Morgan, pursuant to Rule 36(a), **H.J.R. 1763,** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, is placed on today's Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 28, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1366** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, and requests conferees. The President Pro Tempore appoints:

Senator Plyler, Chairman	Senator Rand
Senator Perdue	Senator Cooper
Senator Odom	Senator Hoyle
Senator Lee	Senator Kerr
Senator Winner	Senator Albertson
Senator Warren	Senator Lucas
Senator Jordan	Senator Jenkins
Senator Martin of Pitt	Senator Phillips
Senator Martin of Guilford	Senator Weinstein
Senator Gulley	Senator Dalton
Senator Ballance	Senator Reeves

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints the following as conferees on the part of the House and the Senate is so notified by Special Message: Representative Holmes, Chair; Representatives Esposito, Creech, Crawford, Arnold, Baker, Bowie, Brawley, Cansler, Carpenter, Church, Clary, Daughtry, Dickson, Dockham, Gardner, Gray, Hill, Howard, Hunter, Ives, Justus, Kiser, McCombs, McMahan, Mitchell, Morgan, Oldham, Preston, Russell, Sherrill, Thompson, C. Wilson, and G. Wilson.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute No. 2 for **S.B. 396,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DOWNTOWN REVITALIZATION BY ALLOWING A CREDIT FOR CONTRIBUTIONS FOR DEVELOPMENT ZONE PROJECTS AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE STUDYING DOWNTOWN REVITALIZATION, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

H.J.R. 1763, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

The resolution passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of August 5.

CALENDAR (continued)

Committee Substitute No. 2 for **H.B. 1309,** A BILL TO BE ENTITLED AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent,

Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Berry, Kinney, Kiser, Wainwright, and Wood - 5.

Committee Substitute No. 2 for **H.B. 1629,** A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, TO ANNEX AN AREA AS DESCRIBED INTO THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, AND TO GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Berry, Kinney, Kiser, Wainwright, and Wood - 5.

Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE

SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hiatt, Hightower, Hill, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, and Yongue - 105.

Voting in the negative: Representatives Blue, Creech, Cunningham, Hensley, Holmes, and Wright - 6.

Excused absences: Representatives Berry, Kinney, Kiser, Wainwright, and Wood - 5.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1226,** A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux,

Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Berry, Kinney, Kiser, Wainwright, and Wood - 5.

Committee Substitute for **H.B. 1369,** A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT.

Representative Rayfield offers Amendment No. 2 which is adopted by electronic vote (113-0).

The bill, as amended, passes its third reading, by electronic vote (110-0), and is ordered engrossed and sent to the Senate.

Representative McCombs requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (111-0).

House Committee Substitute for **S.B. 1001,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS AND COMMUNITY FESTIVALS.

Representative Culpepper offers Amendment No. 2 which is adopted by electronic vote (113-0).

The bill, as amended, passes its third reading, by electronic vote (113-0), and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS.

On motion of Representative Reynolds and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.

The bill fails to pass its second reading by electronic vote (54-57).

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, which was temporarily displaced, is before the Body.

Representative Reynolds offers Amendment No. 1 which is adopted by electronic vote (112-0).

The bill, as amended, passes its second reading by electronic vote (106-4).

Representative Blue objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1149,** A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM, passes its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representative Allred for the Committee on Ways and Means:

Committee Substitute for **S.B. 1424,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES, with a favorable report and recommendation that the bill be re-referred to the Committee on Education.

The bill is re-referred to the Committee on Education.

CONFERENCE REPORT

Representative Brawley sends forth the Conference Report on Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of July 30.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

On motion of Representative Morgan, seconded by Representative McMahan, the House adjourns at 3:26 p.m. to reconvene July 30 at 10:00 a.m.

ONE HUNDRED SEVENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, July 30, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Wood.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 29 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (98-0).

Leaves of absence are granted Representatives Berry, Blue, Cansler, Cunningham, Gray, Hiatt, Kiser, Sutton, and Wainwright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1433, AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

CHAPTERED BILL

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.J.R. 1763, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 38)

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative Blue:

H.J.R. 1764, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 794,** A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, is returned for concurrence in Senate Committee Substitute No. 2 and referred to the Committee on Rules, Calendar, and Operations of the House.

Committee Substitute for **S.B. 882,** A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO DEPOSIT THE CLEAR PROCEEDS OF CIVIL PENALTIES AND CIVIL FORFEITURES INTO THE CIVIL PENALTY AND FORFEITURE FUND, is read the first time and referred to the Committee on Judiciary I.

Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE, is read the first time and referred to the Committee on Ways and Means.

CONFERENCE REPORT

Representative Brawley moves the adoption of the following Conference Report.

Committee Substitute for S.B. 1252

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1252, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, Finance Committee Substitute Adopted 6/16/98, submit the following report:

The House recedes from House Amendment #1, the Senate concurs in House Amendment #2, and the Senate and House agree to the following amendments:

on page 7, lines 5 and 6, add between the lines a new section to read:

"Section 5.1. Article 2 of Chapter 105 of the General Statutes is amended by adding a new section to read:

'**§ 105-38.1. Amusements - Motion picture shows.**

(a) Tax. -- A privilege tax at the rate of one percent (1%) is imposed on the gross receipts of a person who is engaged in the business of operating a motion picture show for which an admission is charged. The tax is due when a return is due. A return is due by the 10th day after the end of each month and covers the gross receipts received during the previous month. If a person offers an entertainment or amusement that includes both a motion picture taxable under this section and an entertainment or amusement taxable under G.S. 105-37.1 or G.S. 105-38, the tax in G.S. 105-37.1 or G.S. 105-38, as appropriate, applies to the entire gross receipts and the tax levied in this section does not apply.

(b) Exemption. -- Gross receipts from a motion picture show promoted and managed by a qualifying corporation that operates a center for the performing and visual arts is exempt from the tax imposed under this section if the motion picture is shown at the center and if the showing of motion pictures is not the primary purpose of the center. As used in this subsection, "qualifying corporation" and "center for the performing and visual arts" have the same meaning as in G.S. 105-40.'";

and on page 17, lines 7 and 8, rewrite those lines to read:

"Section 31. Sections 1 through 5, 6 through 13, 27, and 28 of this act become effective July 1, 1999. Section 5.1 of this act becomes effective October 1, 1998. The remaining sections of this act become effective May 1, 1999."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 29, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ David Hoyle	S/ C. Robert Brawley
S/ J. H. Kerr	S/ J. Russell Capps
S/ John H. Carrington	S/ John Rayfield
	S/ Larry W. Womble

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 101.

Voting in the negative: Representative Nichols.

Excused absences: Representatives Berry, Blue, Cansler, Cunningham, Gray, Hiatt, Kiser, Sutton, and Wainwright - 9.

CALENDAR

Action is taken on the following:

Committee Substitute No. 2 for **H.B. 1309,** A BILL TO BE ENTITLED AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert,

Smith, Starnes, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Berry, Blue, Cansler, Cunningham, Gray, Hiatt, Kiser, Sutton, and Wainwright - 9.

Committee Substitute No. 2 for **H.B. 1629,** A BILL TO BE ENTITLED AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, TO ANNEX AN AREA AS DESCRIBED INTO THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, AND TO GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Berry, Blue, Cansler, Cunningham, Gray, Hiatt, Kiser, Sutton, and Wainwright - 9.

House Committee Substitute for **S.B. 1226,** A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Tolson, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Berry, Blue, Cansler, Cunningham, Gray, Hiatt, Kiser, Sutton, and Wainwright - 9.

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS.

The bill, as amended, passes its third reading, by electronic vote (104-1), and is ordered engrossed and sent to the Senate.

MOTION TO RECONSIDER VOTE

Having voted with the prevailing side, Representative Hardy moves to reconsider the vote by which House Committee Substitute for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE, failed to pass its second reading. The motion carries by electronic vote (63-41).

On motion of Representative Preston, the bill is withdrawn from the Calendar and re-referred to the Committee on Education.

On motion of Representative Morgan, seconded by Representative Gamble, the House adjourns at 10:45 a.m. to reconvene Monday, August 3, 1998, at 7:30 p.m.

ONE HUNDRED SEVENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Monday, August 3, 1998

The House meets at 7:30 p.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by the Reverend Phil Spry, Southside Community Church, Garner, North Carolina.

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of July 30 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (87-0).

Leaves of absence are granted Representatives Allred, Baddour, Berry, Cole, Culp, Dedmon, Dockham, Earle, Fox, Ives, Kiser, Mosley, Neely, Russell, Shubert, and Wright for today. Representative Miner is excused for a portion of the session.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

THE APPOINTMENT OF DANIEL W. BAREFOOT 1998 BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable John R. Gamble, Jr., elected Representative from the Forty-Fourth District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable John R. Gamble, Jr., be filled by appointment of the person recommended by the Forty-Fourth House District Executive Committee of the Democratic Party; and

WHEREAS, the Forty-Fourth House District Executive Committee of the Democratic Party has notified me of its recommendation of Daniel W. Barefoot of Lincolnton, North Carolina, to fill said vacancy,

I do by these presents appoint
DANIEL W. BAREFOOT
as a member of the
HOUSE OF REPRESENTATIVES
1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 3rd day of August in the year of our Lord, One Thousand Nine Hundred Ninety-Eight.

S/ James B. Hunt, Jr.
Governor of North Carolina

S/ Elaine F. Marshall
Secretary of State

Pursuant to G.S. 11-7.1, the following oath of office is administered to Daniel W. Barefoot by Senator David Hoyle of the North Carolina Senate.

OATH FOR MEMBER OF THE
1997 HOUSE OF REPRESENTATIVES

I, DANIEL W. BAREFOOT, do solemnly swear that I will support and maintain the Constitution and laws of the United States; so help me God; and

I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and

I do swear that I will faithfully discharge the duties of the office of a Member of the 1997 House of Representatives according to the best of my skill and ability, according to law; so help me God.

S/ Daniel W. Barefoot

Sworn to and subscribed before me this
the third day of August, 1998.

S/ Senator David W. Hoyle

The Speaker appoints Representative Barefoot to the following committees: Environment, Ethics, Finance, and Insurance.

Representative Barefoot is escorted to his seat by Representatives Black, Daughtry, and Hurley.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1203, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTINUE TO LEVY STORM WATER FEES IF REVENUE BONDS HAVE BEEN ISSUED AND ARE OUTSTANDING. (S.L. 1998-66)

S.B. 186, AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES. (S.L. 1998-67)

H.B. 1368, AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL PURCHASING FLEXIBILITY. (S.L. 1998-68)

S.B. 1229, AN ACT TO ABOLISH TAX WAIVERS FOR THE TRANSFER OR DELIVERANCE OF A DECEDENT'S PROPERTY. (S.L. 1998-69)

S.B. 1289, AN ACT TO CLARIFY THE AUTHORITY OF REGIONAL TRANSIT AUTHORITIES TO USE INSTALLMENT PURCHASE FINANCING. (S.L. 1998-70)

H.B. 1522, AN ACT TO ALLOW MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A PART-TIME TEACHER OR STATE EMPLOYEE AND TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE SERVICE RENDERED AS A LOCAL GOVERNMENTAL EMPLOYEE. (S.L. 1998-71)

H.B. 1541, AN ACT TO ALLOW COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE SALE OR LEASE OF DONATED PROPERTY FOR SPECIFIC EDUCATIONAL PURPOSES. (S.L. 1998-72)

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Owens, Ranking Minority Member, for the Committee on Ways and Means:

S.B. 1422, A BILL TO BE ENTITLED AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer **H.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MOUNT GILEAD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN, to the Permanent Subcommittee on Local, Regional, and State Revenues.

INTRODUCTION OF BILL AND RESOLUTION

The following is introduced, read the first time and referred to committee:

By Representative Black:

H.J.R. 1765, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
July 30, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the President Pro Tempore has appointed Senator Allen Wellons as a member of the Conference Committee on **S.B. 1366** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute No. 2 for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH, is returned for concurrence in one Senate amendment, and referred to the Committee on Rules, Calendar, and Operations of the House.

INTRODUCTION OF PAGES

Pages for the week of August 3 are introduced to the membership. They are: Jenny Lynn Allen of Wake; Spencer Ryan Barnes of Wake; Lauren Ashley Denning of Wake; Rebecca Jean Finch of Granville; Chase Austin Brinkerhoff Helms of Wake; Rebecca Lee Heppel of Wake; Blair Alston Hight of Vance; Jeremiah James Hodgins of Cleveland; Leslie Aaron Holmes of Franklin; Jeremiah Keith McPherson of Wake; Rachel Moss of Rowan; William Blair Norman of Franklin; Janet Outlaw of

Craven; Katie Outlaw of Craven; William Chandler Vatavuk of Durham; and Bryant Daniel Watkins of Gaston.

CONFERENCE REPORT

The material Conference Report for Committee Substitute for **S.B. 1252,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dickson, Eddins, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, G. Wilson, Wood, and Yongue - 91.

Voting in the negative: None.

Excused absences: Representatives Allred, Baddour, Berry, Cole, Culp, Dedmon, Dockham, Earle, Fox, Ives, Kiser, Mosley, Neely, Russell, Shubert, and Wright - 16.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

On motion of Representative Morgan and without objection, **H.J.R 1762** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY, is moved up on today's Calendar.

The resolution passes its second reading, by electronic vote (85-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Arnold and without objection, Committee Substitute for **S.B. 1424,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, is withdrawn from the Calendar and re-referred to the Committee on Education.

On motion of Representative Morgan, seconded by Representative Howard, the House adjourns at 8:07 p.m. to reconvene August 4, at 2:00 p.m.

ONE HUNDRED SEVENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 4, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Clyde Wiley, Ernest Myatt Presbyterian Church, Raleigh, North Carolina.

"Almighty God, by whose word heaven and earth were made.

"Your heart is just and Your will fair. We pray for humility and grace. May each distinguished Member of this honored House remember that all alike are but earthen vessels, enabled by Your purpose and plan.

"Grant wisdom to these women and men to fulfill their calling; grant to all of us, the people of this great State of North Carolina, your presence, peace, and strength.

"Through Jesus Christ the Lord, Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 3 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Leaves of absence are granted Representatives Berry, Buchanan, Kiser, Moore, and Wright for today. Representative Ellis is excused for a portion of the session.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1149, AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1307, AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF BANNER ELK BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

H.B. 1336, AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW LOCAL ABC SYSTEM.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1272,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 873,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Weatherly for the Committee on State Government:

S.B. 1351, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF GOLDSBORO, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRAL

Representative Miner, Chair for the Standing Committee on Commerce, refers Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10, to the Permanent Subcommittee on Public Utilities.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 3, 1998

Mr. Speaker:

On **S.B. 1252** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES, it is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1135,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS, is read the first time and referred to the Committee on Commerce.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEM, WASTEWATER

COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECT AND (2) FOR GRANTS, LOANS OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES.

Representative Preston offers Amendment No. 1 which is adopted by electronic vote (105-4).

Representative Hurley offers Amendment No. 2 which fails of adoption by electronic vote (42-67).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 112.

Voting in the negative: None.

Excused absences: Representatives Berry, Buchanan, Ellis, Kiser, Moore, and Wright - 6.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1124,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN

ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS, passes its second reading, by electronic vote (103-9), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

PARLIAMENTARY INQUIRY

Representative Brawley inquires, if a bill that was ruled ineligible by the Speaker failed to pass the House and is later incorporated in a bill in the Senate, would the bill be eligible in the House?

The Speaker defers his ruling.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1273,** A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE.

Representative Morgan moves that Rule 38(a) be suspended in order for the bill to properly be before the Body.

The motion fails for lack of a two third's majority by electronic vote (73-40).

Representative Hensley inquires of the Chair if the bill is properly before the Body. The Chair rules the bill is not properly before the Body.

On motion of the Chair, the bill is re-referred to the Committee on Appropriations.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Neely for the Committee on Judiciary II:

S.B. 1243, A BILL TO BE ENTITLED AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

RE-REFERRAL

On motion of Representative Gardner, **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO APPROPRIATE FUNDS THEREFOR, is withdrawn from the Committee on Appropriations, Subcommittee on Human Resources, and re-referred to the Committee on Judiciary II.

WITHDRAWAL OF BILL FROM COMMITTEE

On motion of Representative Morgan and without objection, Committee Substitute No. 2 for **H.B. 860,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and placed on the Calendar for immediate consideration.

On motion of Representative Hill, the House concurs in the Senate amendment, by electronic vote (109-0), and the bill is ordered enrolled.

On motion of Representative Morgan, seconded by Representative Alexander, the House adjourns at 3:07 p.m. to reconvene August 5 at 2:00 p.m.

ONE HUNDRED SEVENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 5, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Dr. Dumas A. Harshaw, Jr., First Baptist Church, Raleigh, North Carolina.

"Dear Eternal God, our help in ages past, our hope for years to come. We are thankful for the blessings of another day. Your goodness to us is beyond our ability to truly articulate. When we think of the comfort of last evenings rest, the new dawns' strength to rise from slumber to labor, the anticipation of a day well lived in the presence of loved ones and supporters, we cannot help but lift our hearts in gratitude.

"Dear Lord, Your love has been so good for us. Grant us the willingness to fully receive Your love for the enrichment of our lives and the ability to share Your love with the world around us, remembering that:

'love is patient, love is kind,
it does not envy, it does not boast,
it is not proud, it is not rude,
it is not self-seeking, it is not easily angered,
it keeps no record of wrongs.
Love does not delight in evil, but rejoices with the truth,
it always protects, always trusts, always hopes,
always perseveres.
Love never fails.'

"Dear God, You have never failed to sustain us in our various needs. Our faith gives us the assurance, that You have not brought us this far to leave us, and that Your love will see us through this days journey.

"In Christ's Name, Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 4 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (98-0).

Leaves of absence are granted Representatives Berry, Braswell, Culpepper, Daughtry, Hurley, Kiser, Moore, Mosley, and Wood for today. Representative Nesbitt is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1001, AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS AND COMMUNITY FESTIVALS.

S.B. 1252, AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 860, AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.J.R. 1234, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BRADFORD VERDIZE LIGON, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 39)

H.B. 1307, AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF BANNER ELK BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES. (S.L. 1998-73)

H.B. 1336, AN ACT TO PROVIDE FOR ANNUAL AUDITS OF THE LAKE WACCAMAW LOCAL ABC SYSTEM. (S.L. 1998-74)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representative McComas for the Permanent Subcommittee on Public Utilities of the Standing Committee on Commerce, with approval of

standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 2 and recommendation that the House committee substitute bill be referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Sexton and Buchanan, Co-Chairs, for the Committee on Transportation:

H.B. 1493, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, with a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Judiciary I.

On motion of Representative Luebke, Committee Amendment No. 1 is adopted, by electronic vote (104-0), and the bill is ordered engrossed and re-referred to the Committee on Judiciary I.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT

UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY, with recommendation that the House concur.

The bill is placed on the Calendar of August 6.

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of August 6.

By Representative Hardy, Co-Chair, for the Committee on Judiciary I:

Committee Substitute for **H.B. 1314,** A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION BASED ON RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON CEMETERY ISSUES, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Barbee for the Committee on Pensions and Retirement:

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **S.B. 1552,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, AND TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 4, 1998

Mr. Speaker:

Pursuant to your message received Thursday, June 4, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 72** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chairman
Senator Martin of Guilford
Senator Shaw of Guilford

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 4, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the President Pro Tempore has appointed Senator William Purcell and Senator Charlie Dannelly as members of the Conference Committee on **S.B. 1366** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1591,** A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CARTERET, CHATHAM, JONES, AND ORANGE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 6.

Upon concurrence, the Senate committee substitute changes the title.

Committee Substitute **S.B. 1228,** A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CRIMINAL PROVISIONS FOR TAX VIOLATIONS, is read the first time and referred to the Committee on Judiciary II.

Committee Substitute for **S.B. 1238,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN

STATUTORY REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND RELATED FACILITY NEEDS, is read the first time and referred to the Committee on Local and Regional Government II.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McMahan and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of August 13.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEM, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECT AND (2) FOR GRANTS, LOANS OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES.

Representative Capps offers Amendment No. 3 which fails of adoption by electronic vote (18-91).

Representative Ellis offers Amendment No. 4.

Amendment No. 4 is temporarily displaced.

Representative Mercer offers Amendment No. 5 which is adopted by electronic vote (100-6).

Representative Baker offers Amendment No. 6 which fails of adoption by electronic vote (52-57).

Amendment No. 4, which was temporarily displaced, is before the Body. Amendment No. 4 fails of adoption by electronic vote (24-81).

The bill, as amended, passes its third reading, by the following vote and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Cunningham, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 107.

Voting in the negative: Representative Allred.

Excused absences: Representatives Berry, Braswell, Culpepper, Daughtry, Hurley, Kiser, Moore, Mosley, Nesbitt, and Wood - 10.

Representative H. Hunter requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (108-1).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1354,** A BILL TO BE ENTITLED AN ACT TO IMPROVE AND MODERNIZE THE TORRENS LAND TITLE REGISTRATION PROCEDURES OF THE STATE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner,

Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wright, and Yongue - 109.

Voting in the negative: None.

Excused absences: Representatives Berry, Braswell, Culpepper, Daughtry, Hurley, Kiser, Moore, Mosley, Nesbitt, and Wood - 10.

Committee Substitute for **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, fiscal note having been attached on August 4, 1998, appears on today's calendar for consideration.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, is withdrawn from the Calendar and re-referred to the Committee on Appropriations, Subcommittee on Human Resources.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1617,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE INDIVIDUAL INCOME TAX CREDIT, passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

Committee Substitute for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Decker sends forth the Conference Report on Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 6.

The Speaker rules the conference report to be material, thus constituting its first reading.

RE-REFERRALS

On motion of Representative Morgan and without objection, **H.B. 893,** A BILL TO BE ENTITLED AN ACT TO ENABLE BURKE AND MCDOWELL COUNTIES TO ESTABLISH AN INDUSTRIAL AIRPARK AUTHORITY, is withdrawn from the Committee on Finance, Subcommittee on Local, Regional, and State Revenues, and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan and without objection, **H.B. 1642,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE COVERAGE OF INTERSTATE INTERCHANGE ECONOMIC DEVELOPMENT ZONES, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Commerce, Subcommittee on Travel and Tourism.

On motion of Representative Morgan and without objection, **S.B. 916,** A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS

REGULATING COSMETIC ART, is withdrawn from the Committee on Rules, Calendar, and Operations of the House and re-referred to the Committee on Finance.

On motion of Representative Morgan, seconded by Representative Carpenter, the House adjourns at 3:43 p.m. to reconvene August 6, at 9:30 a.m.

ONE HUNDRED SEVENTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 6, 1998

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Ed Rose, Associate Pastor, Temple Baptist Church, Raleigh, North Carolina.

"Eternal God, we come to You this day seeking Your presence in our lives. We ask, O God, to grant each one of us wisdom and understanding of the issues at hand. Give us peace, mercy, and a spirit of love for one another as we work together this day. Lord our God, expand our horizons with visions of need. Stir us with reality so vivid that we cannot remain content with complacence nor comfortable with neglect.

"Heavenly Father, we pray for our nation this morning. We specifically pray for our leaders. Bless them with wisdom and strength for the day at hand. We also pray specifically for our State. Father, I lift up to You all those who help lead our State and local government. Lord, grant us all knowledge, wisdom, understanding and a genuine love for one another as we seek to improve our State. Bless us this day with Your presence, O God. In Jesus name, Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 5 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (85-0).

Leaves of absence are granted Representatives Aldridge, Allred, Berry, Braswell, Brawley, Cunningham, Fitch, Fox, Hackney, Kiser, McAllister, Nesbitt, Sutton, and Wright for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1226, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

H.B. 1415, AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1422, AN ACT TO REMOVE UNCONSTITUTIONAL RESTRICTIONS ON INDIVIDUAL INCOME TAX CREDITS FOR CHILD CARE AND FOR CONSTRUCTING DWELLINGS FOR THE HANDICAPPED.

CHAPTERED BILL

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 1762, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 40)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

Committee Substitute No. 4 for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS, with a favorable report, as amended,

and recommendation that the bill be re-referred to the Committee on Finance.

On motion of Representative Ellis, Committee Amendment No. 1 is adopted by electronic vote (91-0).

The bill, as amended, is re-referred to the Committee on Finance.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

H.B. 1312, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MOUNT GILEAD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of August 10.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

Committee Substitute for **S.B. 1171,** A BILL TO BE ENTITLED AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR EXISTING WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES, with a favorable report as to House committee substitute bill, which changes the title, unable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1373,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING THE TAR-PAMLICO RIVER BASIN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, TO MAKE CONFORMING CHANGES TO THE STATUTES, AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE; AND TO PROVIDE THAT A CHILD WHO POSSESSES OR SELLS ALCOHOL OR A CONTROLLED SUBSTANCE ON SCHOOL PROPERTY, WHO POSSESSES OR USES A WEAPON ON SCHOOL PROPERTY, OR WHO ASSAULTS A SCHOOL EMPLOYEE SHALL NOT BE ELIGIBLE TO OBTAIN OR SHALL LOSE HIS OR HER NORTH CAROLINA DRIVERS LICENSE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

The House committee substitute bill is re-referred to the Committee on Appropriations. The Senate committee substitute bill is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 10.

Upon concurrence, the Senate committee substitute changes the title.

Committee Substitute for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS, is read the first time and referred to the Committee on Education.

Committee Substitute No. 2 for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT

CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE, is read the first time and referred to the Committee on Judiciary II.

CONFERENCE REPORT

Representative Decker moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 72

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, Senate Rules and Operations of the Senate Committee Substitute Adopted 8/14/97, Third Edition Engrossed 8/28/97, submit the following report:

The House concurs in the Senate Rules and Operations of the Senate Committee Substitute Adopted 8/14/97, Third Edition Engrossed 8/28/97, with the following amendments:

(1) On page 1, line 14, delete "2017", and substitute "2018"

(2) On page 2, lines 1 through 11, by rewriting those lines to read: "From the southwestern boundary of the Stokesdale City Limits, south on the east side of the Haw River Road to Pepper Road, south on the east side of Pepper Road to NC Hwy. 150, east on the north side of N.C. Highway 150 to Beeson Road, south on the east side of Beeson Road to the centerline of Reedy Fork Creek, thence in a generally northeasterly direction along the centerline of Reedy Fork Creek to the Eastern Right of Way line of North Carolina Highway 68, thence south along the eastern right-of-way line of North Carolina Highway 68 approximately 3,900 feet to the southern line of the subdivision containing Riding Trail Court, recorded in Plat Book 61, page 146 in the office of the Register of Deeds of Guilford County, thence east along the southern boundary of that subdivision and of Golden Acres subdivision, Phase 2, Section 2, recorded in Plat Book 99, page 98,

Guilford County Register of Deeds, approximately 2,400 feet to the proposed western right-of-way line of the US220-NC68 connector as shown on Map No. 4 of the Roadway Corridor Official Maps (State Project 6.499002T (R-2413) as recorded in the office of the Register of Deeds of Guilford County approximately 4,200 feet to the southern right-of-way line of Alcorn Road as proposed on Map No. 5 of said maps, thence west along the southern proposed right-of-way line and the present southern right-of-way line of Alcorn Road approximately 4,000 feet to the centerline of Reedy Fork Creek, thence northern along Reedy Fork Creek to the Oak Ridge-Bruce Township Line (the Summerfield Corporate limit), thence north along the Oak Ridge-Bruce Township line to its intersection with the Stokesdale City Limits, thence west along the Stokesdale City limit, following the Stokesdale City Limit to the point and place of beginning."

(3) on page 3, line 16, delete "1997-98" and substitute "1998-99"

(4) on page 3, lines 12, 14, 21, and 23, delete "1997", and substitute "1998"

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 5, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Anthony E. Rand	S/ Michael Decker, Sr.
S/ William Martin	S/ Joanne W. Bowie
S/ Bob Shaw	S/ Theresa H. Esposito
	S/ James W. Crawford, Jr.

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Arnold, Baker, Barbee, Barefoot, Beall, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs,

McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 97.

Voting in the negative: None.

Excused absences: Representatives Aldridge, Allred, Berry, Braswell, Brawley, Cunningham, Fitch, Fox, Hackney, Kiser, McAllister, Nesbitt, Sutton, and Wright - 14.

CALENDAR

Action is taken on the following:

H.B. 1587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY.

On motion of Representative Barbee, the House concurs in the Senate amendment, by electronic vote (94-0), and the bill is ordered enrolled.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Hensley and without objection, Senate Committee Substitute for **H.B. 1591,** A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THAT COUNTY, is withdrawn from the Calendar and placed on the Calendar of August 10.

CALENDAR (continued)

H.B. 1615, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1354,** A BILL TO BE ENTITLED AN ACT TO IMPROVE AND MODERNIZE THE TORRENS LAND TITLE REGISTRATION PROCEDURES OF THE STATE, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Arnold, Baker, Barefoot, Beall, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 97.

Voting in the negative: None.

Excused absences: Representatives Aldridge, Allred, Berry, Braswell, Brawley, Cunningham, Fitch, Fox, Hackney, Kiser, McAllister, Nesbitt, Sutton, and Wright - 14.

On motion of Representative Morgan, seconded by Representative Daughtry, the House adjourns at 9:47 a.m. to reconvene Monday, August 10, 1998, at 7:30 p.m.

ONE HUNDRED SEVENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 10, 1998

The House meets at 7:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Everlasting God, we praise You because You are without beginning and end. You spoke the words, and the entire world came into order. When nothing existed, You created all that is seen and unseen. When You sought companionship, You breathed into us the breath of life and made a covenant to be our God and we would be Your people.

"Our lives are fragile, O God. Even when we think that the positions we hold may keep us from harm, danger, or hurt, our world can, and indeed it does, come crashing down around us. When we have fallen down and scraped our knees, please pick us up, dust us off, and set us on the path that leads to righteousness. Teach us the way of humility so that we may learn from our mistakes and so that we may not take for granted the goodness of Thy hand that holds us firmly in the grip of Thy eternal love, mercy, and grace. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 6 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (83-0).

Leaves of absence are granted Representatives Aldridge, Capps, Cole, Decker, Gardner, Hackney, Hardaway, Hightower, Howard, Hurley, Ives, Kinney, Kiser, Mosley, Watson, C. Wilson, and Wood for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1369, AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1309, AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN.

H.B. 1453, AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

H.B. 1494, AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY EMPLOYEES.

H.B. 1508, AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE PROPERTY WITHOUT THE OWNERS REQUEST.

H.B. 1524, AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING THAT OFFICE.

H.B. 1554, AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE.

H.B. 1570, AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS.

H.B. 1587, AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY.

H.B. 1595, AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS.

H.B. 1596, AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED.

H.B. 1618, AN ACT TO GRANT AUTHORITY TO THE CITY OF EDEN TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 860, AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH. (S.L. 1998-75)

H.B. 1433, AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 1998-76)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Allred for the Committee on Ways and Means:

H.B. 1667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Weatherly for the Committee on State Government:

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL, PHARMACY TECHNICIANS,

AND ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS AND CHARGE A FEE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX MOTOR VEHICLES OWNED BY TOTALLY DISABLED VETERANS AND TO REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

H.B. 1469, A BILL TO BE ENTITLED AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1199,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE, TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, AND TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1269,** A BILL TO BE ENTITLED AN ACT TO EXTEND BY ONE YEAR THE DATE BY WHICH WELL

CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1256,** A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 11.

Upon concurrence, the Senate committee substitute changes the title.

Committee Substitute No. 2 for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO PROVIDE THAT RULE 11 OF THE RULES OF CIVIL PROCEDURE APPLIES TO TAX APPEALS BEFORE THE TAX REVIEW BOARD, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, is read the first time and referred to the Committee on Finance.

VOTE RECONSIDERED

Representative Morgan moves that the vote by which the Conference Report for Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE,

SUBJECT TO A REFERENDUM, was adopted be reconsidered. The motion carries by electronic vote (91-0).

On motion of Representative Morgan and without objection, the Conference Report is withdrawn from the Calendar and placed on the Calendar of August 11.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION.

On motion of Representative Bowie, the House does not concur in the Senate committee substitute, by electronic vote (94-1), and conferees are requested.

The Speaker appoints Representative Bowie, Chair; Representatives Sexton, Sherrill, Gulley, Sutton, and Buchanan as conferees on the part of the House and the Senate is so notified by Special Message.

Senate Committee Substitute for **H.B. 1591,** A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF ORANGE COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THAT COUNTY.

On motion of Representative Insko, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (92-0), and the bill is ordered enrolled and presented to the Governor.

H.B. 1312, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MOUNT GILEAD TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Moore and without objection, House Committee Substitute for **S.B. 1422,** A BILL TO BE ENTITLED AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK

OVER WELFARE PROGRAM, is withdrawn from the Calendar and placed on the Calendar of August 13.

CALENDAR (continued)

Pursuant to Rule 36(a), the following resolution appears on today's Calendar.

S.J.R. 1603, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS, passes its second reading, by electronic vote (91-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

INTRODUCTION OF PAGES

Pages for the week of August 10 are introduced to the membership. They are: Carla Bimbo of Wake; Dana Bseiso of Wake; Lindsay Elkins of Durham; Reena Deepak Gupte' of Mecklenburg; Julia Northwood Hall of Guilford; Ryan Hillman of Wake; Emily Suzanne Hodge of Robeson; Amanda Nicole Joslin of Wake; Antoinette Letrise Knox of Wake; Kelly Erin Krohn of Wake; Cyrus L. Luhr of Wake; Jennifer Paige Medlin of Wake; Caroline M. Oldham of New Hanover; Susan Elizabeth Patton of Wake; Genna Raye Ramseur of Cumberland; Ankeet Umesh Shah of Davidson; Martin Edward Sullivan of Wake; Kristin Gail Taylor of Johnston; Maggie Gale Weeks of Wake; and Adrian Tyrone Whittenburg of Johnston.

RE-REFERRAL

On motion of Representative Morgan, House Committee Substitute for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR- PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, is withdrawn from the Calendar pursuant to Rule 36(a) and re-referred to the Committee on Local and Regional Government II.

On motion of Representative Morgan, seconded by Representative Bowie, the House adjourns at 7:58 p.m. to reconvene August 11 at 2:00 p.m.

ONE HUNDRED SEVENTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 11, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, as vast as the ocean is so that all of its depths cannot be measured, so too is Your love for us immeasurable. As far as the sky reaches into the heavens, so too is Your mercy for us unable to be calculated. As long as the terrain of the land stretches from sea to shining sea, so too is Your grace for us incomprehensible.

"As we behold the beauty of the earth, of all that is both seen and unseen, let us see the hand of God. Then, as we behold Thy hand and its wonderful works, humble us before the Almighty. Keep us ever mindful of our place in Thy creation and help us always to remember that our lives are but a whisper in the timeline of eternity. And, as we ponder that thought, may we early seek Thy favor and Thy righteousness and Thy holiness. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 10 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Leaves of absence are granted Representatives Aldridge, Capps, Decker, Gardner, Hackney, Hardaway, Hightower, Holmes, Howard, Hurley, Kiser, Mosley, C. Wilson, and Wood for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1591, AN ACT REQUIRING THE CONSENT OF CARTERET, CHATHAM, JONES, AND ORANGE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1540, AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM.

H.B. 1615, AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY.

CHAPTERED BILLS

The following bills and resolution are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.J.R. 1603, A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL ORDER OF WOMEN LEGISLATORS. (RESOLUTION 41)

H.B. 1309, AN ACT TO ALLOW BANNER ELK TO VOLUNTARILY ANNEX CERTAIN PROPERTY LOCATED WITHIN ITS EXTRATERRITORIAL PLANNING JURISDICTION EVEN THOUGH IT IS CLOSER TO THE VILLAGE OF SUGAR MOUNTAIN. (S.L. 1998-77)

H.B. 1453, AN ACT TO ASSIST THE ROWAN-SALISBURY SCHOOLS WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES. (S.L. 1998-78)

H.B. 1494, AN ACT TO REPEAL THE SECTION OF THE CITY OF STATESVILLE'S CHARTER THAT PROHIBITS POLITICAL ACTIVITY BY CERTAIN CITY EMPLOYEES. (S.L. 1998-79)

H.B. 1508, AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM PRIVATE PROPERTY WITHOUT THE OWNERS REQUEST. (S.L. 1998-80)

H.B. 1524, AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF MORGANTON AND TO MAKE TECHNICAL CORRECTIONS CONCERNING THAT OFFICE. (S.L. 1998-81)

H.B. 1554, AN ACT TO ALLOW THE CITY OF MOUNT AIRY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE. (S.L. 1998-82)

H.B. 1570, AN ACT TO PERMIT THE TOWN OF LONG BEACH TO PASS ORDINANCES FOR DEVELOPING AND OPERATING PARKS ON DEAD-END STREETS. (S.L. 1998-83)

H.B. 1587, AN ACT TO ALLOW THE TOWN OF STANFIELD AND THE CITY OF LOCUST TO COLLECT UTILITY BILLS AS IF THEY WERE TAXES DUE THE TOWN AND THE CITY. (S.L. 1998-84)

H.B. 1595, AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS. (S.L. 1998-85)

H.B. 1596, AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED. (S.L. 1998-86)

H.B. 1618, AN ACT TO GRANT AUTHORITY TO THE CITY OF EDEN TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND. (S.L. 1998-87)

REPORTS OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following reports from standing committee are presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1594,** A BILL TO BE ENTITLED AN ACT TO IMPOSE TEACHER CERTIFICATION FEES, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 10, 1998

Mr. Speaker:

Pursuant to your message received Monday, August 10, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 1304** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION, and requests conferees, the President Pro Tempore appoints:

Senator Perdue, Chairman
Senator Hoyle
Senator Shaw of Guilford
Senator Shaw of Cumberland
Senator Kinnaird
Senator Jordan

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, the Conference Report for Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, is withdrawn from the Calendar and placed on the Calendar of August 18.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1256,** A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN GASTON COUNTY.

On motion of Representative Dickson, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (95-0), and the bill is ordered enrolled.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 245,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING.

On motion of the Chair, the bill is temporarily displaced.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute No. 3 for **H.B. 1739,** A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT

LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS, TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, AND TO ALLOW ANNUAL SALES TAX REFUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

House Committee Substitute for **S.B. 245,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING, which was temporarily displaced, is before the Body.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Eddins, Ellis, Esposito, Fox, Goodwin, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hill, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wright, and Yongue - 101.

Voting in the negative: Representative Nichols.

Excused absences: Representatives Aldridge, Capps, Decker, Gardner, Hackney, Hardaway, Hightower, Holmes, Howard, Hurley, Kiser, Mosley, C. Wilson, and Wood - 14.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, TO ALLOW AN INCOME TAX DEDUCTION FOR EMPLOYEES' PAYMENTS TO THEIR EMPLOYERS FOR PARKING, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Eddins, Ellis, Esposito, Fox, Goodwin, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hill, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Aldridge, Capps, Decker, Gardner, Hackney, Hardaway, Hightower, Holmes, Howard, Hurley, Kiser, Mosley, C. Wilson, and Wood - 14.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 138,** A BILL TO BE ENTITLED AN ACT TO ALLOW AN ALTERNATIVE PROCEDURE FOR DISSOLUTION OF A SANITARY DISTRICT THAT HAS NO INDEBTEDNESS AND THE TERRITORY OF WHICH HAS BEEN ENTIRELY ANNEXED, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1272,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, passes its second reading, by electronic vote (102-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

RE-REFERRAL

On motion of Representative Morgan and without objection, **H.B. 1385,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL, PHARMACY TECHNICIANS, AND ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS AND CHARGE A FEE, is withdrawn from the Calendar pursuant to Rule 36(a), and re-referred to the Committee on Finance.

On motion of Representative Morgan, seconded by Representative Owens, the House adjourns at 2:22 p.m. to reconvene August 12 at 2:00 p.m.

ONE HUNDRED SEVENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 12, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"God of Holiness, we come this day in prayer to ask for Your blessings and Your guidance upon this Body of women and men. Holiness means to

seek to have the mind of God and then to establish one's behavior patterns and actions, not upon earthly things, but upon the foundations of heaven. All of us ought to seek to be holy...to live holy lives...and to honor You with our lives. As men and women of leadership, this calling to be holy is magnified because of the responsibility given to us by Your people and ultimately, by You. Grant that in this hour and in our committees, in our comings and in our goings, we would pause to ask Your Holy Spirit to shape us and mold us into a holy people. We humbly beseech Thee, O Lord and our God. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 11 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (104-0).

Leaves of absence are granted Representatives Aldridge, Capps, Dickson, Ellis, Fitch, Gardner, Goodwin, Hackney, Hardaway, Hightower, Howard, and Kiser for today. Representative Ives is excused for a portion of the session.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1256, AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE, GASTON AND ROCKINGHAM COUNTIES.

H.B. 1497, AN ACT TO INCORPORATE THE TOWN OF CRANBERRY.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1540, AN ACT TO CONFORM THE CHARTER OF THE CITY OF HAVELOCK TO GENERAL LAW BY PROVIDING FOR AN ELECTION TO FILL THE REMAINDER OF THE UNEXPIRED TERM OF A COUNCIL MEMBER WHEN THE VACANCY OCCURS DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM. (S.L. 1998-88)

H.B. 1615, AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF DURHAM TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY. (S.L. 1998-89)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Bowie, Dockham, and McMahan, Co-Chairs, for the Permanent Subcommittee on Transportation of the Standing Committee on Appropriations with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute No. 2 for **H.B. 1229,** A BILL TO BE ENTITLED AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION THAT CAUSES THE PERSON TO BE PHOTOSENSITIVE TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE WINDOW TINTING LAWS, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

On motion of the Chair, pursuant to Rule 38(b), Committee Substitute Bill No. 3 is re-referred to the Committee on Finance. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1402, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

Committee Substitute for **S.B. 1112,** A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Decker, for the Committee on Local and Regional Government II:

S.B. 1238, A BILL TO BE ENTITLED AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND RELATED FACILITY NEEDS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

H.B. 1327, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The Speaker states that the bill is not subject to Rule 38(b) and should not be re-referred to the Committee on Finance. Without objection, the committee substitute bill is placed on the Calendar pursuant to Rule 36(a). The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1424,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 497, A BILL TO BE ENTITLED AN ACT TO EXTEND FOR AN ADDITIONAL YEAR THE ZERO UNEMPLOYMENT INSURANCE TAX RATE FOR POSITIVE-RATED EMPLOYERS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND

TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1556,** A BILL TO BE ENTITLED AN ACT TO EXTEND TAX-EXEMPT FINANCING UNDER THE HIGHER EDUCATION FACILITIES FINANCE ACT TO PRIVATE ELEMENTARY AND SECONDARY SCHOOL FACILITIES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 11, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1354** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, and requests conferees. The President Pro Tempore appoints:

Senator Kerr, Chairman
Senator Ballance
Senator Carrington
Senator Gulley
Senator Hartsell
Senator Hoyle
Senator Martin of Pitt
Senator Reeves

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Carpenter, Chair; Representatives Watson, Baker, Hunter, and G. Wilson as conferees on the part of the House and the Senate is so notified by Special Message.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1287,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING HEALTH CARE POWERS OF ATTORNEY AND ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT BASED ON RECOMMENDATIONS OF THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE, is read the first time and referred to the Committee on Judiciary II.

Committee Substitute for **S.B. 1398,** A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, is read the first time and referred to the Committee on Local and Regional Government I.

S.B. 1509, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, is read the first time and referred to the Committee on Local and Regional Government I.

S.B. 1554, A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES, is read the first time and referred to the Committee on Judiciary II and, if favorable, to the Committee on Finance.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1360,** A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW.

On motion of the Chair, the bill is temporarily displaced.

House Committee Substitute for **S.B. 245,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Esposito, Fox, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hill, Holmes, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore,

Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 102.

Voting in the negative: None.

Excused absences: Representatives Aldridge, Capps, Dickson, Ellis, Fitch, Gardner, Goodwin, Hackney, Hardaway, Hightower, Howard, and Kiser - 12.

Representative Blue requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-0).

Committee Substitute No. 2 for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, TO ALLOW AN INCOME TAX DEDUCTION FOR EMPLOYEES' PAYMENTS TO THEIR EMPLOYERS FOR PARKING, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Esposito, Fox, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hill, Holmes, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 104.

Voting in the negative: None.

Excused absences: Representatives Aldridge, Capps, Dickson, Ellis, Fitch, Gardner, Goodwin, Hackney, Hardaway, Hightower, Howard, and Kiser - 12.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1351,** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF GOLDSBORO, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1469,** A BILL TO BE ENTITLED AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES, passes its second reading, by electronic vote (104-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1360,** A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW, which was temporarily displaced, is before the Body.

Representative Allred offers Amendment No. 1.

Representative Redwine inquires of the Chair if the amendment is germane to the bill. The Chair rules the amendment is germane.

Amendment No. 1 is adopted by electronic vote (68-34). This amendment changes the title.

The bill, as amended, passes its second reading, by electronic vote (96-6), and the caption having been amended, remains on the Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

S.J.R. 1537, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

On motion of Representative Morgan, Rule 41(a) is suspended and the resolution is placed on the Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Miner, Berry, Tallent, Hiatt, and Church, Co-Chairs, for the Committee on Commerce:

Committee Substitute for **S.B. 872,** A BILL TO BE ENTITLED AN ACT TO ALLOW TEENAGERS WHO ARE FOURTEEN OR FIFTEEN YEARS OLD TO WORK AT CERTAIN PLACES THAT SELL ALCOHOLIC BEVERAGES, with an unfavorable report.

The bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1135,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

RE-REFERRALS

On motion of Representative Holmes and without objection, House Committee Substitute for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Judiciary II.

On motion of Representatives Holmes and without objection, **S.B. 1407,** A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is

withdrawn from the Committee on Appropriations and re-referred to the Committee on Pensions and Retirement.

CONFERENCE REPORT

Representative Church sends forth the Conference Report on House Committee Substitute for **S.B. 565,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANKS' RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH, TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, TO ESTABLISH FINANCE CHARGE RATES FOR CONSUMER CREDIT INSTALLMENT SALES CONTRACTS FOR WATERCRAFTS, AND TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND EXISTENCE OF AN ACCOUNT OF ANY CUSTOMER. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of August 13.

On motion of Representative Morgan, seconded by Representative Morris, the House adjourns at 3:03 p.m. to reconvene August 13 at 10:00 a.m.

ONE HUNDRED SEVENTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 13, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"O Eternal God, in whose appointment our life stands, and who committed our work to us, we commit our cares to You.

"We thank You that we are Your children, and that You have assured us that, while we are intent upon Your will, You will heed our wants.

"Fill us with that compassion for others' troubles which comes from forgetfulness of our own; with the charity of those who know their own unworthiness; and with the glad hope of the children of eternity.

"And to You, the Beginning and the End, Lord of the living, Refuge of the dying, be thanks and praise for ever. Amen." (United Methodist Book of Worship)

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, moves that the Journal of August 12 be approved as corrected. The motion carries by electronic vote (86-0).

Leaves of absence are granted Representatives Aldridge, Black, Brawley, Capps, Cunningham, Daughtry, Dickson, Fitch, Fox, Gardner, Hackney, Hightower, Howard, Kiser, McAllister, McComas, Mercer, Neely, Saunders, Sutton, and Yongue for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1351, AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF GOLDSBORO.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1396, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S FUND ASSOCIATION.

H.B. 1538, AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

H.B. 1624, AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE OCCONEECHEE GUT IN NORTHAMPTON COUNTY.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.J.R. 1537, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 42)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Ranking Minority Member, for the Committee on Judiciary II:

Committee Substitute for **S.B. 1228,** A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CRIMINAL PROVISIONS FOR TAX VIOLATIONS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

Committee Substitute for **S.B. 1280,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute No. 2 for **H.B. 794,** A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, with recommendation that the House concur.

The bill is placed on the Calendar of August 17.

H.B. 1533, A BILL TO BE ENTITLED AN ACT TO AFFECT THE HALIFAX-ROANOKE RAPIDS AIRPORT AUTHORITY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of August 17. The original bill is placed on the Unfavorable Calendar.

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL LAWS IN UNION COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar of August 17. The original bill is placed on the Unfavorable Calendar.

H.J.R. 1765, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY, with a favorable report.

Pursuant to Rule 36(a), the resolution is placed on the Calendar.

Committee Substitute for **S.B. 905,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer House Committee Substitute for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, to the Permanent Subcommittee on Local, Regional, and State Revenues.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 12, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1124** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS, and requests conferees. The President Pro Tempore appoints:

Senator Hartsell, Chairman
Senator Dalton
Senator Lee
Senator Winner

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Shubert, Chair, and Representative Morgan as conferees on the part of the House, and the Senate is so notified by Special Message.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Committee Substitute for **S.B. 1299,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN, is read the first time and referred to the Committee on Environment and, if favorable, to the Committee on Finance.

Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 17.

The Speaker rules the Senate committee substitute to be material, thus constituting its first reading.

Upon concurrence, the Senate committee substitute changes the title.

CONFERENCE REPORT

Representative Church moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 565

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 565, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANKS' RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH, TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, TO ESTABLISH FINANCE CHARGE RATES FOR CONSUMER

CREDIT INSTALLMENT SALES CONTRACTS FOR WATERCRAFTS, AND TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND EXISTENCE OF AN ACCOUNT OF ANY CUSTOMER, House Committee Substitute #2 Favorable 8/13/97, Fourth Edition, submit the following report:

The Senate concurs in the House Committee Substitute #2 Favorable 8/13/97, Fourth Edition, with amendments as follows:

(1) on page 2, delete lines 29 through 43, and renumber the succeeding sections accordingly.

(2) on page 3, lines 21 and 22, delete the words "Section 3 of this act applies to loans made on or after that date,"

(3) on page 3, line 21, delete "1997" and substitute "1998",

(4) on page 1, lines 6 through 8, by deleting the words: "TO ESTABLISH FINANCE CHARGE RATES FOR CONSUMER CREDIT INSTALLMENT SALES CONTRACTS FOR WATERCRAFTS,"

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 12, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ David Hoyle	S/ Walter Church, Chair
S/ Eric Reeves	S/ Gregg Thompson
S/ Patrick J. Ballantine	S/ David Miner
	S/ Dewey L. Hill
	S/ Bobby R. Hall

The Conference Report, which changes the title, is adopted, by electronic vote (91-0), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 1360,** A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF

EQUALIZATION AND REVIEW AND TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998.

The bill, as amended, passes its third reading, by electronic vote (89-0), and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McMahan and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and placed on the Calendar of August 18.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

House Committee Substitute for **S.B. 1422,** A BILL TO BE ENTITLED AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1489,** A BILL TO BE ENTITLED AN ACT TO IMPROVE COLLECTION OF LOCAL TAXES BY

ALLOWING CERTAIN GOVERNMENT OFFICIALS TO SHARE SPECIFIED TAX INFORMATION AND BY ALLOWING A TAXPAYER TO RECEIVE A RELEASE OR REFUND OF PRORATED VEHICLE PROPERTY TAXES IF THE TAXPAYER MOVES OUT-OF-STATE, is withdrawn from the Calendar and placed on the Calendar of August 18.

RE-REFERRAL

On motion of Representative Morgan, **H.B. 1342,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CLERK OF SUPERIOR COURT DOES NOT HAVE TO INVENTORY A DECEDENT'S SAFE-DEPOSIT BOX IF A QUALIFIED PERSON IS PRESENT AT THE OPENING OF THE BOX, is withdrawn from the Committee on Judiciary II and re-referred to the Committee on Judiciary I.

On motion of Representative Morgan, seconded by Representative Adams, the House adjourns at 10:22 a.m. to reconvene Monday, August 17, 1998, at 8:00 p.m.

ONE HUNDRED EIGHTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, August 17, 1998

The House meets at 8:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal and Loving God, Your awesome love touches each and every one of us. What a wonderful feeling to know with full assurance that no matter how great our sin nor how far we stray, we can never go too far from Your strong arms of grace.

"Lord of mercy, even as the leader of the free world draws the ire of the public, even though we here stall over our budget talks, even though each one of us battles our own personal circumstances, remind us of Your great love for us. Like the Great Shepherd You are, tenderly pull us within Your reach with the Shepherd's crook of heaven and draw us into Your

embrace and never let us go. Lord, never let us go and have mercy on our souls. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 13 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (86-0).

Representative Mercer requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (87-0).

Leaves of absence are granted Representatives Cole, Earle, Ives, Kinney, Kiser, Luebke, Neely, Ramsey, Sutton, Thompson, Watson, and Wright for today.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1442, AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES.

H.B. 1275, AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1256, AN ACT ABOLISHING THE OFFICE OF CORONER IN ASHE, GASTON AND ROCKINGHAM COUNTIES. (S.L. 1998-90)

H.B. 1497, AN ACT TO INCORPORATE THE TOWN OF CRANBERRY. (S.L. 1998-91)

H.B. 1396, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S FUND ASSOCIATION. (S.L. 1998-92)

H.B. 1538, AN ACT TO AUTHORIZE THE TOWN OF SHARPSBURG TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES. (S.L. 1998-93)

H.B. 1624, AN ACT TO REPEAL THE LAW PERMITTING THE TAKING OF CATFISH AND EELS IN TRAPS FROM THE HIGHWAY 258 BRIDGE TO THE OCCONEECHEE GUT IN NORTHAMPTON COUNTY. (S.L. 1998-94)

S.B. 1252, AN ACT TO SIMPLIFY AND MODIFY PRIVILEGE LICENSE AND EXCISE TAXES AND RELATED PERMIT FEES. (S.L. 1998-95)

S.B. 1001, AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS AND COMMUNITY FESTIVALS. (S.L. 1998-96)

S.B. 1149, AN ACT TO REPEAL THE REQUIREMENT PERTAINING TO THE REIMBURSEMENT RATE FOR THE RESPITE CARE PROGRAM. (S.L. 1998-97)

S.B. 1226, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES. (S.L. 1998-98)

H.B. 1415, AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE SEDIMENTATION CONTROL COMMISSION AND THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 1998-99)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Culpepper, Ranking Minority Member, for the Committee on Judiciary II:

H.B. 1720, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED

AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO APPROPRIATE FUNDS THEREFOR, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Miner, Berry, Tallent, Hiatt, and Church, Co-Chairs, for the Committee on Commerce:

S.B. 801, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

On motion of the Chair, pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

Committee Substitute for **S.B. 1314,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE
SECOND SESSION 1998

Senate Chamber
August 13, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate has adopted the report of the conferees on House Committee Substitute No. 2 for **S.B. 565** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANKS' RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH, TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, AND TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND EXISTENCE OF AN ACCOUNT OF ANY CUSTOMER, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 894,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Senate Committee Substitute for **H.B. 915,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Senate Committee Substitute for **H.B. 1071,** A BILL TO BE ENTITLED AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Senate Committee Substitute No. 2 for **H.B. 1075,** A BILL TO BE ENTITLED AN ACT TO PERMIT LENDERS TO CONTRACT FOR AND RECEIVE SHARED APPRECIATION IN CERTAIN CIRCUMSTANCES, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of August 18.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 1367,** A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Senate Committee Substitute for **H.B. 1405,** A BILL TO BE ENTITLED AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute No. 2 for **H.B. 1462,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE EACH NEW SEPTIC TANK SYSTEM TO USE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO DEVELOP STANDARDS FOR THESE DEVICES, TO ADOPT THESE REQUIREMENTS AND STANDARDS BY TEMPORARY RULES, AND TO CONSIDER WHETHER, FOR SYSTEMS THAT USE THESE NEW DEVICES, THE CURRENT REQUIREMENT THAT THE SITE MUST INCLUDE A SEPARATE REPAIR AREA CAN BE AMENDED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is returned for concurrence in Senate committee substitute Bill No. 2 and placed on the Calendar of August 18.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION

ASSESSMENT, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of August 18.

Senate Committee Substitute for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute for **H.B. 1625,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 18.

Committee Substitute for **S.B. 1279,** A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is read the first time and referred to the Committee on Judiciary II.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 17, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN

ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Yongue and without objection, Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is withdrawn from the Calendar and placed on the Calendar of August 18.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 794,** A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

On motion of Representative Sherrill, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (96-0), and the bill is ordered enrolled and presented to the Governor.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1607,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WEDDINGTON TO EXERCISE ITS STATUTORY POWER TO EXTEND ITS EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION UPON APPROVAL OF THE RESIDENTS IN THE AREA AFFECTED, is withdrawn from the Calendar and re-referred to the Committee on Local and Regional Government II.

On motion of Representative Morgan and without objection, **S.B. 1273,** A BILL TO BE ENTITLED AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY

OF KERNERSVILLE, is withdrawn from the Calendar and placed on the Calendar of August 24.

CALENDAR (continued)

Committee Substitute for **H.B. 1533,** A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX, THE COUNTY OF NORTHAMPTON, AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF REGIONAL AIRPORT FACILITIES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Bonner, Bowie, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, and Yongue - 97.

Voting in the negative: None.

Excused absences: Representatives Cole, Earle, Ives, Kinney, Kiser, Luebke, Neely, Ramsey, Sutton, Thompson, Watson, and Wright - 12.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1112,** A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1238,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND RELATED FACILITY NEEDS, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Pursuant to Rule 36(a), the following resolution appears on today's Calendar.

S.J.R. 1111, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (95-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

On motion of Representative Morgan, seconded by Representative Alexander, the House adjourns at 8:22 p.m. to reconvene August 18 at 2:00 p.m.

ONE HUNDRED EIGHTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 18, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, our nation stands in need of healing this day. Regardless of the myriad of opinion polls that have been taken, we are nonetheless shaken by leadership that seeks to be served rather than serve...by those who would protect their own interests over and against those to whom they have been given charge. But, Dear Lord, help us not to point our fingers at anyone in harsh and unfaithful judgment. Rather, turn our thoughts inward to self-introspection and inventory. Show us the natural temptations that we all experience, everyday of our lives. Then, create within each one of us

the moral and ethical resolve to live and serve as those who have been set apart for special service and civic duty. Remind us that words like 'integrity' and 'responsibility' are not bad words in a society that so desperately needs its leaders to lead. Exact from each one of us here in this Chamber, a high degree of personal moral behavior that would prove to be an example for those who have elected us to serve, for ourselves and for our families, and ultimately, to You who told us to be holy because You are holy. Hear our prayers, we humbly beseech Thee, 'O God, our help in ages past and our hope for years to come'. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 17 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Ives, Neely, and Watson for today. Representatives Blue and Esposito are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 565, AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANKS' RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH, TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, AND TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND EXISTENCE OF AN ACCOUNT OF ANY CUSTOMER.

H.B. 794, AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1112, AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS.

S.B. 1238, AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION OF FORMER TOBACCO FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND RELATED FACILITY NEEDS.

H.B. 1602, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND.

CHAPTERED BILL

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.J.R. 1111, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 43)

MESSAGE FROM THE SENATE

The following is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1356,** A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of August 19.

BILL PLACED ON CALENDAR

Pursuant to Rule 36(a), Representative Morgan, places **H.J.R. 1765,** A JOINT RESOLUTION A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY, on today's Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

CONFERENCE REPORT

Representative Decker withdraws Conference Report No. 1 for Senate Committee Substitute for **H.B. 72** and submits Conference Report No. 2.

Conference Report No. 2 is placed on the Calendar for its second roll call reading.

Representative Decker moves the adoption of the following Conference Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 72, AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, Senate Rules and Operations of the Senate Committee Substitute Adopted 8/14/97, Third Edition Engrossed 8/28/97, submit the following report:

The House concurs in the Senate Rules and Operations of the Senate Committee Substitute Adopted 8/14/97, Third Edition Engrossed 8/28/97, with the following amendments:

(1) On page 1, line 14, delete "2017", and substitute "2018".

(2) On page 2, lines 1 through 11, by rewriting those lines to read: "From the southwestern boundary of the Stokesdale City Limits, south on the east side of the Haw River Road to Pepper Road, south on the east side of Pepper Road to NC Hwy. 150, east on the north side of N.C. Highway 150 to Beeson Road, south on the east side of Beeson Road to the centerline of Reedy Fork Creek, thence in a generally northeasterly direction along the centerline of Reedy Fork Creek to the Eastern Right of Way line of North Carolina Highway 68, thence south along the eastern right-of-way line of North Carolina Highway 68 approximately 3,900 feet to the southern line of the subdivision containing Riding Trail Court, recorded in Plat Book 61, page 146 in the office of the Register of Deeds of Guilford County, thence east along the southern boundary of that subdivision and of Golden Acres subdivision, Phase 2, Section 2, recorded in Plat Book 99, page 98, Guilford County Register of Deeds, approximately 2,400 feet to the proposed western right-of-way line of the US220-NC68 connector as shown on Map No. 4 of the Roadway Corridor Official Maps (State Project 6.499002T (R-2413) as recorded in the office of the Register of Deeds of Guilford County approximately 4,200 feet to the southern right-of-way line

of Alcorn Road as proposed on Map No. 5 of said maps, thence west along the southern proposed right-of-way line and the present southern right-of-way line of Alcorn Road approximately 4,000 feet to the centerline of Reedy Fork Creek, thence northern along Reedy Fork Creek to the Oak Ridge-Bruce Township Line, thence north along the Oak Ridge-Bruce Township line to the southern right-of-way line of North Carolina Highway 150, thence southwest along the southern right-of-way line of North Carolina Highway 150 to a point due south of the western right-of-way line of Eversfield Road, thence across North Carolina Highway 150 in a direct line to the closest point of the western right-of-way line of Eversfield Road, thence north along the western right-of-way line of Eversfield Road to its intersection with the Stokesdale City Limits, thence west along the Stokesdale City limit, following the Stokesdale City Limit to the point and place of beginning."

(3) on page 3, line 16, delete "1997-98" and substitute "1998-99"

(4) on page 3, lines 12, 14, 21, and 23, delete "1997", and substitute "1998"

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 12, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Tony Rand	S/ Michael P. Decker, Sr.
S/ Bill Martin	S/ Joanne W. Bowie
S/ Bob Shaw	S/ Theresa H. Esposito
	S/ James W. Crawford, Jr.

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall,

Hardaway, Hardy, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Esposito, Ives, Neely, and Watson - 4.

POINT OF ORDER

Representative Brawley inquires of the Chair if Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, can be divided under Rule 24.1B. The Speaker rules that the Senate committee substitute is not divisible and is properly before the Body.

Representative Brawley further inquires if, pursuant to Rule 42, the principal provisions of this bill may be considered. The Speaker rules that the bill is properly before the Body.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

On motion of Representative Yongue, the House concurs in the material Senate committee substitute on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dickson, Dockham, Easterling, Fitch, Fox, Gardner, Goodwin,

Gray, Gulley, Hackney, Hall, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Justus, Kiser, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Morgan, Morris, Oldham, Owens, Ramsey, Reynolds, Rogers, Russell, Sexton, Shubert, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Weatherly, Womble, and Yongue - 74.

Voting in the negative: Representatives Aldridge, Allred, Barefoot, Black, Brawley, Bryant, Buchanan, Cansler, Capps, Davis, Decker, Earle, Eddins, Ellis, Grady, Hardaway, Hensley, Hiatt, Jarrell, Jeffus, Kinney, Luebke, Michaux, Moore, Mosley, Nesbitt, Nichols, Nye, Rayfield, Redwine, Saunders, Smith, Warwick, C. Wilson, G. Wilson, Wood, and Wright - 37.

Excused absences: Representatives Esposito, Ives, Neely, and Watson - 4.

Senate Committee Substitute for **H.B. 894,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.

On motion of Representative Sexton, the House concurs in the Senate committee substitute and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 1546,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED TEN DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

On motion of Representative Tolson, the House concurs in the Senate committee substitute, which changes the title, and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 1625,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY.

On motion of Representative Hardaway, the House concurs in the Senate committee substitute and the bill is ordered enrolled.

Senate Committee Substitute for **H.B. 915,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS.

On motion of Representative Mercer, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (111-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1071,** A BILL TO BE ENTITLED AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS.

Pursuant to Rule 24.1A(c), the request that Representative Hackney be excused from voting on May 1, 1997, is continued.

On motion of Representative Capps, the House concurs in the Senate committee substitute, by electronic vote (102-5), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute No. 2 for **H.B. 1075,** A BILL TO BE ENTITLED AN ACT TO PERMIT LENDERS TO CONTRACT FOR AND RECEIVE SHARED APPRECIATION IN CERTAIN CIRCUMSTANCES.

On motion of Representative Hall, the House concurs in Senate Committee Substitute No. 2, which changes the title, by electronic vote (109-1), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1367,** A BILL TO BE ENTITLED AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE.

On motion of Representative Hill, the House concurs in the Senate committee substitute, by electronic vote (114-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1405,** A BILL TO BE ENTITLED AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (107-4), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute No. 2 for **H.B. 1462,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE EACH NEW SEPTIC TANK SYSTEM TO USE AN EFFLUENT FILTER AND AN ACCESS DEVICE, TO DEVELOP STANDARDS FOR THESE DEVICES, TO ADOPT THESE REQUIREMENTS AND STANDARDS BY TEMPORARY RULES, AND TO CONSIDER WHETHER, FOR SYSTEMS THAT USE THESE NEW DEVICES, THE CURRENT REQUIREMENT THAT THE SITE MUST INCLUDE A SEPARATE REPAIR AREA CAN BE AMENDED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

On motion of Representative Culp, the House concurs in Senate Committee Substitute No. 2, which changes the title, by electronic vote (87-14), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT.

The House fails to concur in Senate Committee Substitute No. 2, by electronic vote (41-70), and conferees are requested. The Senate is notified by Special Message.

Committee Substitute for **H.B. 1533,** A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX, THE COUNTY OF NORTHAMPTON, AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF REGIONAL AIRPORT FACILITIES, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker, Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter,

Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Esposito, Ives, Neely, and Watson - 4.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

Committee Substitute for **S.B. 882,** A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO DEPOSIT THE CLEAR PROCEEDS OF CIVIL PENALTIES AND CIVIL FORFEITURES INTO THE CIVIL PENALTY AND FORFEITURE FUND, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

RE-REFERRAL

On motion of Representative Morgan, **S.B. 1407,** A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is withdrawn from the Committee on Pensions and Retirement and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Hightower, the House adjourns at 3:38 p.m. to reconvene August 19 at 2:00 p.m.

ONE HUNDRED EIGHTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 19, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Dr. Bill Bennett, Chaplain of Southeastern Baptist Theological Seminary, Wake Forest, North Carolina.

"Heavenly Father, we come to you today humbly acknowledging that our problems are beyond us but not beyond You. We pray, therefore, that You will give wisdom to the Members of this House to know Your will and the courage to do Your will to the glory of God and for the good of the people they serve. In the Name of our Lord and Savior Jesus Christ. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 18 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (92-0).

Leaves of absence are granted Representatives Adams, Blue, Braswell, Crawford, Dockham, Esposito, Ives, Kiser, Luebke, Neely, Redwine, Sutton, and Wood for today. Representative Ellis is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 245, AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL

ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING.

H.B. 915, AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS UNDER SOME CIRCUMSTANCES.

H.B. 1071, AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS.

H.B. 1075, A BILL TO BE ENTITLED AN ACT TO PERMIT LENDERS TO CONTRACT FOR AND RECEIVE SHARED APPRECIATION OR SHARED VALUE IN CERTAIN CIRCUMSTANCES.

H.B. 1367, AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE.

H.B. 1405, AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, AND TO PROVIDE THAT A DISTRICT COURT JUDGE WHO WAS FORMERLY AN ASSISTANT DISTRICT ATTORNEY OF THE THIRTEENTH JUDICIAL DISTRICT MAY PERFORM THE MARRIAGE CEREMONY.

H.B. 1462, AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE THAT CERTAIN NEW SEPTIC TANK SYSTEMS INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1422, AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

H.B. 894, AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.

H.B. 1546, AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED FIVE DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

H.B. 1625, AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1422, AN ACT TO REMOVE UNCONSTITUTIONAL RESTRICTIONS ON INDIVIDUAL INCOME TAX CREDITS FOR CHILD CARE AND FOR CONSTRUCTING DWELLINGS FOR THE HANDICAPPED. (S.L. 1998-100)

S.B. 1442, AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES. (S.L. 1998-101)

H.B. 1275, AN ACT TO EXTEND THE PERMISSIBLE LENGTH OF LEASES ENTERED INTO BY THE STATESVILLE MUNICIPAL AIRPORT FROM TWENTY TO TWENTY-FIVE YEARS. (S.L. 1998-102)

S.B. 1112, AN ACT TO ALLOW ABSENTEE VOTING IN LAURINBURG CITY ELECTIONS CONDUCTED BY THE MUNICIPAL BOARD OF ELECTIONS. (S.L. 1998-103)

S.B. 1238, AN ACT TO EXEMPT FORSYTH COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION OF

FORMER TOBACCO FACTORIES FOR COUNTY GOVERNMENT OFFICES, PARKING, AND RELATED FACILITY NEEDS. (S.L. 1998-104)

H.B. 1602, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND. (S.L. 1998-105)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

Committee Substitute for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

H.B. 1332, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF GREENVILLE WITH AN EXEMPTION FROM THE BIDDING REQUIREMENTS ON DOWNTOWN REDEVELOPMENT PROJECTS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

On motion of the Chair, pursuant to Rule 38(b), the committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1613, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN COUNTY, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1055,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 72,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Eddins, Ellis, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Reynolds, Rogers, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wright, and Yongue - 99.

Voting in the negative: None.

Excused absences: Representatives Adams, Blue, Braswell, Crawford, Dockham, Esposito, Ives, Kiser, Luebke, Neely, Redwine, Sutton, and Wood - 13.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled.

INQUIRY OF THE CHAIR

Representative Brawley inquires of the Chair if Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER, should be referred to the Committee on Finance, pursuant to Rule 43.3(b).

The Chair rules the bill is properly before the Body.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1568,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

On motion of Representative Yongue, the House concurs in the material Senate committee substitute, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Carpenter, Church, Clary, Cole, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dickson, Earle, Ellis, Fitch, Fox, Gardner, Goodwin, Gray, Gulley, Hackney, Hardaway, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Justus, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Mosley, Oldham, Owens, Ramsey, Reynolds, Rogers, Sexton, Shubert, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, Womble, and Yongue - 76.

Voting in the negative: Representatives Allred, Barefoot, Brawley, Cansler, Capps, Davis, Decker, Eddins, Grady, Hiatt, Jarrell, Jeffus, Kinney, Michaux, Morris, Nesbitt, Nichols, Nye, Rayfield, Saunders, Smith, Starnes, G. Wilson, and Wright - 24.

Excused absences: Representatives Adams, Blue, Braswell, Crawford, Dockham, Esposito, Ives, Kiser, Luebke, Neely, Redwine, Sutton, and Wood - 13.

Senate Committee Substitute No. 2 for **H.B. 1356,** A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES.

On motion of Representative Reynolds, the House concurs in Senate Committee Substitute No. 2, by electronic vote (104-0), and the bill is ordered enrolled and presented to the Governor.

Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

On motion of Representative Daughtry, the bill is temporarily displaced.

Committee Substitute for **H.B. 1489,** A BILL TO BE ENTITLED AN ACT TO IMPROVE COLLECTION OF LOCAL TAXES BY ALLOWING CERTAIN GOVERNMENT OFFICIALS TO SHARE SPECIFIED TAX INFORMATION AND BY ALLOWING A TAXPAYER TO RECEIVE A RELEASE OR REFUND OF PRORATED VEHICLE PROPERTY TAXES IF THE TAXPAYER MOVES OUT-OF-STATE, passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1327,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

Representative McMahan offers Amendment No. 1 which is adopted by electronic vote (102-3).

The bill, as amended, passes its second reading by electronic vote (91-13).

Representative Justus objects to the third reading. The bill remains on the Calendar.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT: Representative Brown, Chair; Representatives Alexander, Dickson, Hill, Howard, and Weatherly.

The Senate is so notified by Special Message.

CALENDAR (continued)

Committee Substitute for **S.B. 1556,** A BILL TO BE ENTITLED AN ACT TO EXTEND TAX-EXEMPT FINANCING UNDER THE HIGHER EDUCATION FACILITIES FINANCE ACT TO PRIVATE ELEMENTARY AND SECONDARY SCHOOL FACILITIES, passes its second reading, by electronic vote (96-7), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

WITHDRAWAL OF OBJECTION TO THIRD READING

Representative Justus withdraws his objection to the third reading of Committee Substitute for **H.B. 1327,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME

BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

Representative Michaux objects to the third reading. The bill remains on the Calendar.

POINT OF PERSONAL PRIVILEGE

The following remarks are made by Representative Dickson.

"Forty-eight years ago, in 1950, a June graduate from N. C. State University stood in his rented tuxedo and U. S. Navy shoes. He had sixty-four dollars in his pocket, which he had borrowed from the life insurance policy his Dad had purchased for him. He was facing four more years of college and had used all except one year of his GI bill for college tuition.

"This boy was standing at the altar with his bride-to-be. Tears were coming down her cheeks. Her father, standing with her, had tears coming down his cheeks. I can understand why they were crying. He had never given his permission for this young individual to marry his daughter. Instead, her father had told him how he had had a Masters' degree in electrical engineering and had a thriving business before he married.

"There was a terrific thunderstorm during the wedding ceremony, as if the Heavens were trying to tell her to beware!

"After driving her car for a honeymoon to Sarasota, Florida, and staying in a condo owned by his family friends, they entered the University of Georgia. He started four years of veterinary college and she began teaching music in the Athens, Georgia School System.

"Four years and two children later, and having never missed a day of teaching, she succeeded in getting him through veterinary college.

"Forty-eight years have passed. She had three more children for a total of five and has thirteen grandchildren.

"After visiting with the man's family for several days, a friend told him that after observing closely, he had determined what his function had been during the marriage -- procreating -- and very little else!!

"The girl has stuck with the boy all of these years, enduring more than a soul should have to bear. Mr. Speaker, I rise to pay tribute to this

wonderful girl, my wife -- Ruth Day -- on this our forty-eighth wedding anniversary day.

"I respectfully ask that these remarks be spread upon the Journal."

Without objection, the Speaker orders the remarks spread upon the Journal.

RE-REFERRAL

On motion of Representative Holmes, **H.B. 665,** A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, TO PROHIBIT THE USE OF STATE FUNDS FOR JURY CONSULTANTS, TO REQUEST THE NORTH CAROLINA SUPREME COURT TO CONSIDER AND ADOPT RULES TO EXPEDITE APPEALS FROM CAPITAL CASES THAT INCLUDE A SENTENCE OF DEATH, AND TO ELIMINATE THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Appropriations, Subcommittee on Justice and Public Safety.

On motion of Representative Morgan, seconded by Representative Fitch, the House adjourns at 3:23 p.m. to reconvene August 20, at 10:00 a.m.

ONE HUNDRED EIGHTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, August 20, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, hallowed be Your name.
"Early in the morning, before we begin our work,
we praise Your glory.
"Renew our bodies as fresh as the morning flowers.

"Open our inner eyes, as the sun casts new light upon the darkness.
"Deliver us from all captivity.
"Like the birds of the sky,
give us wings of freedom to begin a new journey.

"As a mighty stream running continuously,
restore justice and freedom day by day.
"We thank You for the gift of this morning,
and a new day to work with You. Amen."

Representative Bowie, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 19 has been examined and found correct. Upon her motion, the Journal is approved as written by electronic vote (76-5).

Leaves of absence are granted Representatives Adams, Barbee, Cunningham, Dockham, Esposito, Hardy, Ives, Kiser, Moore, Neely, Morgan, Smith, G. Wilson, and Wood for today. Representatives Jarrell and Crawford are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 138, AN ACT TO ALLOW AN ALTERNATIVE PROCEDURE FOR DISSOLUTION OF A SANITARY DISTRICT THAT HAS NO INDEBTEDNESS AND THE TERRITORY OF WHICH HAS BEEN ENTIRELY ANNEXED.

S.B. 1556, AN ACT TO EXTEND TAX-EXEMPT FINANCING UNDER THE HIGHER EDUCATION FACILITIES FINANCE ACT TO PRIVATE ELEMENTARY AND SECONDARY SCHOOL FACILITIES.

H.B. 1356, AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE

TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES.

CHAPTERED BILLS

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.J.R. 1765, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 44)

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1568, AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Neely for the Committee on Judiciary II:

House Committee Substitute for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 279 OF THE 1989 SESSION LAWS REGARDING THE AUTHORITY OF MUNICIPALITIES IN WAKE COUNTY TO CLOSE STREETS AND ALLEYS LOCATED WITHIN THEIR EXTRATERRITORIAL JURISDICTION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

On motion of the Chair, pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Hill, Eddins, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1483, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CLASSIFY THE IMPACT OF LEAKING PETROLEUM UNDERGROUND STORAGE TANKS AS EITHER AB OR CDE AND TO PROVIDE THAT THE OWNER OR OPERATOR OF A LEAKING UNDERGROUND STORAGE TANK THAT HAS A CDE IMPACT SHALL NOT BE REQUIRED TO CLEAN UP THE DISCHARGE OR RELEASE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1299,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

On motion of the Chair, pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

On motion of the Chair and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1613,** A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN AND ROCKINGHAM COUNTIES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Committee Substitute for **H.B. 1327,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

Representative Michaux offers Amendment No. 2 which is adopted by electronic vote (91-6).

Representative Nesbitt moves that the bill be withdrawn from today's Calendar and placed on the Calendar of August 25. The motion carries by electronic vote (61-39).

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1171,** A BILL TO BE ENTITLED AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENT AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES, passes its second reading by electronic vote (93-2).

Representative Carpenter objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1269,** A BILL TO BE ENTITLED AN ACT TO EXTEND BY ONE YEAR THE DATE BY WHICH WELL CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by electronic vote (96-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 1342, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CLERK OF SUPERIOR COURT DOES NOT HAVE TO INVENTORY A DECEDENT'S SAFE-DEPOSIT BOX IF A QUALIFIED PERSON IS PRESENT AT THE OPENING OF THE BOX, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, which was temporarily displaced, is withdrawn from the Calendar and placed on the Calendar of August 25.

RE-REFERRAL

On motion of Representative Gray, Committee Substitute for **H.B. 1332,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE A DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS, is withdrawn from the Committee on Finance and re-referred to the Committee on Finance, Subcommittee on Local Regional and State Revenues.

Representative Bowie moves, seconded by Representative Womble, that the House adjourn, subject to the ratification of bills, to reconvene Monday, August 24, 1998, at 8:00 p.m.

The motion carries.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 72, AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM

The House stands adjourned at 12:17 p.m.

ONE HUNDRED EIGHTY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 24, 1998

The House meets at 8:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Byron A. Wade, Davie Street Presbyterian Church, Raleigh, North Carolina.

"O Almighty God, we thank You for the opportunity to live another day. We thank You for all You have done for us and what You are continually doing in our lives. We ask, O Lord, for Your Holy Spirit to fall upon Your elected servants tonight as we come together to make the important decisions that will affect the lives of the citizens of North Carolina. We ask that in our deliberations tonight that we will be guided by Your will instead of our own and in all that we do and say, Your name will be lifted up and glorified. We ask for these and other blessings in the name of Your Son, Jesus Christ. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 20 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (85-0).

Representative Preston requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (86-0).

Leaves of absence are granted Representatives Aldridge, Berry, Black, Cole, Decker, Dedmon, Gray, Hardaway, Ives, Kinney, Kiser, Luebke, McMahan, Moore, Neely, Russell, Shubert, Sutton, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1269, AN ACT TO EXTEND BY ONE YEAR THE DATE BY WHICH WELL CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1422, AN ACT TO EXTEND AND IMPROVE THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM. (S.L. 1998-106)

H.B. 894, AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE. (S.L. 1998-107)

H.B. 1546, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO CHARGE A FEE NOT TO EXCEED FIVE DOLLARS FOR UNCERTIFIED COPIES OF POLICE INCIDENT OR ACCIDENT REPORTS AND TO AUTHORIZE THE CITY TO GIVE ANNUAL NOTICE OF VIOLATION TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. (S.L. 1998-108)

H.B. 1625, AN ACT TO PROVIDE THAT THE CHAIR OF THE HALIFAX TOURISM DEVELOPMENT AUTHORITY SHALL BE ELECTED BY THE MEMBERS OF THE AUTHORITY. (S.L. 1998-109)

H.B. 1591, AN ACT REQUIRING THE CONSENT OF CARTERET, CHATHAM, JONES, AND ORANGE COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THOSE COUNTIES. (S.L. 1998-110)

H.B. 1369, AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS FOR EQUIPMENT. (S.L. 1998-111)

H.B. 1568, AN ACT TO AUTHORIZE THE TOWN OF ST. PAULS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE THE CITY OF STATESVILLE TO LEVY AN ADDITIONAL ROOM OCCUPANCY TAX TO FUND TOURISM PROMOTION AND OPERATING EXPENSES OF A CIVIC CENTER. (S.L. 1998-112)

H.B. 72, AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM (S.L. 1998-113)

S.B. 1351, AN ACT AUTHORIZING THE DELETION OF LAND AT WAYNESBOROUGH STATE PARK FROM THE STATE PARKS SYSTEM AND ITS SALE TO THE CITY OF GOLDSBORO. (S.L. 1998-114)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Allred for the Committee on Ways and Means:

S.B. 421, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW- INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Owens, Ranking Minority Member, for the Committee on Local and Regional Government II:

House Committee Substitute for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR- PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

Committee Substitute for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar of August 25. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **H.B. 1491,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT AN INDIVIDUAL INCOME TAXPAYER ADD BACK TO TAXABLE INCOME THE FAIR MARKET VALUE OF REAL PROPERTY DONATED FOR CONSERVATION PURPOSES IN ORDER TO CLAIM THE INCOME TAX CREDIT FOR THE DONATION OF THAT PROPERTY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION,

with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute No. 2 for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO PROVIDE THAT RULE 11 OF THE RULES OF CIVIL PROCEDURE APPLIES TO TAX APPEALS BEFORE THE TAX REVIEW BOARD, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

Committee Substitute No. 4 for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY

THE CORRIDORS, with a favorable report as to House committee substitute bill, unfavorable as to Senate Committee Substitute Bill No. 4.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. Senate Committee Substitute Bill No. 4 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 344,** A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of August 25.

On motion of Representative Buchanan and without objection, the bill is withdrawn from the Calendar of August 25 and re-referred to the Committee on Transportation.

Senate Committee Substitute for **H.B. 534,** A BILL TO BE ENTITLED AN ACT REGARDING THE CONTRACTUAL OBLIGATIONS OF SPOUSES, THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 25.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute for **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST, is returned for concurrence in Senate committee substitute and referred to the Committee on Judiciary II.

Senate Committee Substitute for **H.B. 1094,** A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND CLARIFYING

CHANGES, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 25.

Senate Committee Substitute for **H.B. 1371,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, is returned for concurrence in Senate committee substitute and placed on the Calendar of August 25.

Committee Substitute for **S.B. 1285,** A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM, is read the first time and referred to the Committee on Transportation and, if favorable, to the Committee on Judiciary I.

CALENDAR

Action is taken on the following:

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

House Committee Substitute for **S.B. 1171,** A BILL TO BE ENTITLED AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENT AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES, passes its third reading, by electronic vote (89-1), and is ordered sent to the Senate for concurrence in House committee substitute.

Pursuant to Rule 36(a), the following resolution appears on today's Calendar.

H.J.R. 1761, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (84-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

On motion of Representative Morgan, seconded by Representative Beall, the House adjourns at 8:26 p.m. to reconvene August 25 at 2:00 p.m.

ONE HUNDRED EIGHTY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, August 25, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, Your marvelous hands created all that there is for us to see. Your creative imagination formed us into God's people. Our creation and Your covenant to be our God and we Your people is a clarion call for us to be people who search the heights and the depths of God's love and mercy. It is in this seeking and knocking that we find Your voice calling for peace, and mercy, and justice and equality for all of Your creation. Thanks be to God that as elected leaders of Thy people, You have seen fit to put us in positions and places of leadership, where because of Thy mercy in our own lives, we now have the joy and privilege of bringing Thy mercy ever closer to Your people. Guide our efforts, O Lord, and may they be pleasing and acceptable in Thy sight. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 24 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (99-0).

Leaves of absence are granted Representatives Aldridge, Ives, Redwine, Wood, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1273, AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE.

WITHDRAWAL OF BILLS FROM CALENDAR

On motion of the Chair and without objection, the following bills are withdrawn from the Calendar and placed on the Calendar of September 1.

Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES;

House Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10;

House Committee Substitute No. 2 for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE; and

Committee Substitute No. 2 for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 534,** A BILL TO BE ENTITLED AN ACT REGARDING THE CONTRACTUAL OBLIGATIONS OF SPOUSES, THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

On motion of Representative Hackney, the House does not concur in the Senate committee substitute, by electronic vote (112-0), and conferees are requested.

Senate Committee Substitute for **H.B. 1094,** A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND CLARIFYING CHANGES.

On motion of Representative Culpepper, the House concurs in the Senate committee substitute, by electronic vote (110-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

Senate Committee Substitute for **H.B. 1371,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.

On motion of Representative Yongue, the House does not concur in the Senate committee substitute, by electronic vote (110-2), and conferees are requested.

The Senate is so notified by Special Message.

Committee Substitute for **H.B. 1327,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

The bill, as amended, passes its third reading, by electronic vote (104-11), and is ordered engrossed and sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1342,** A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE RENUNCIATION OF PROPERTY AND RENUNCIATION OF FIDUCIARY POWERS ACT,

passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 534,** A BILL TO BE ENTITLED AN ACT REGARDING THE CONTRACTUAL OBLIGATIONS OF SPOUSES, THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION: Representative Neely, Chair; Representatives Hackney, Culpepper, Gardner, and Cansler.

The Senate is so notified by Special Message.

RE-REFERRAL

On motion of Representative Miner, **H.B. 1642,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE COVERAGE OF INTERSTATE INTERCHANGE ECONOMIC DEVELOPMENT ZONES, is withdrawn from the Committee on Commerce, Subcommittee on Travel and Tourism, and re-referred to the Committee on Commerce.

On motion of Representative Morgan, seconded by Representative Morris, the House adjourns at 2:20 p.m. to reconvene August 26 at 2:00 p.m.

ONE HUNDRED EIGHTY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, August 26, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"God of all creation, all of creation bows before Your mighty hand. Even the waves of the sea obey Your voice. With humble boldness, O God, we ask that the winds and the waves would have mercy upon our land. We pray for all of those who may find themselves in great danger and distress in these moments. We pray for all of those who are on stand-by, waiting in the wings to bring relief, aid, help, and salvation to Your people. Have mercy upon us, O God. And, when this is over, may we be ever grateful for Your steadfast love and faithfulness in our lives. Standing in the shadow of the merciful wings of God, we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 25 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Aldridge, Allen, Baker, Blue, Brown, Church, Cole, Davis, Daughtry, Dedmon, Goodwin, Grady, Gulley, Hardy, Hill, Howard, Ives, Kinney, Kiser, Luebke, McComas, McMahan, Morris, Nichols, Preston, Redwine, Russell, Smith, Sutton, Warwick, G. Wilson, and Yongue for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1094, AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND CLARIFYING CHANGES.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1273, AN ACT TO CONFORM TO GENERAL LAW THE MANNER OF APPOINTMENT OF THE TOWN ATTORNEY OF KERNERSVILLE. (S.L. 1998-115)

On motion of Representative Morgan, seconded by Representative Mitchell, the House adjourns at 2:07 p.m. to reconvene August 27 at 9:00 a.m.

ONE HUNDRED EIGHTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, August 27, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Wainwright.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 26 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Aldridge, Allen, Baker, Blue, Brown, Bryant, Church, Cole, Davis, Dedmon, Earle, Goodwin, Grady, Gulley, Hill, Howard, Insko, Ives, Kiser, McComas, McMahan, Morris, Nesbitt, Nichols, Oldham, Preston, Redwine, Russell, Smith, Sutton, Warwick, G. Wilson, Wright, and Yongue for today.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

S.B. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representative Morgan for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1332,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE A DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS, with a favorable report as to Committee Substitute Bill No. 2, which changes the title, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

Committee Substitute for **S.B. 1398,** A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report and recommendation that the bill be re-referred to the Committee on Finance.

The bill is re-referred to the Committee on Finance.

S.B. 1509, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, with a favorable report as to House committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

Committee Substitute for **S.B. 1285,** A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **S.B. 1287,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING HEALTH CARE POWERS OF ATTORNEY AND ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT BASED ON RECOMMENDATIONS OF THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Wainwright, the House adjourns at 9:09 a.m. to reconvene Monday, August 31, 1998, at 8:00 p.m.

ONE HUNDRED EIGHTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, August 31, 1998

The House meets at 8:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal and Gracious God, You are always more willing to hear than we are to pray. Open our hearts in order for us to let our needs and concerns flow freely before You. The eyes of the people of North Carolina are upon us as our session continues into the Labor Day weekend. The people expect us to serve, lead, resolve, compromise, and finish our work. With a power of intervention that can only be that of divine initiative, pour out Your reconciling Spirit to unite that which remains divided, to celebrate that which has been completed, and to have hope that the work we accomplish will be pleasing and acceptable in Thy sight. Have mercy upon us, we pray. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Esposito, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 27 has been examined and found correct. Upon her motion, the Journal is approved as written.

Leaves of absence are granted Representatives Baker, Berry, Church, Cole, Davis, Earle, Gray, Hardy, Kinney, Kiser, Luebke, McMahan, Mosley, Smith, Sutton, Warner, Weatherly, and Wright for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1075, AN ACT TO PERMIT LENDERS TO CONTRACT FOR AND RECEIVE SHARED APPRECIATION OR SHARED VALUE IN CERTAIN CIRCUMSTANCES. (S.L. 1998-116)

S.B. 245, AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT AND TO REMOVE THE POPULATION REQUIREMENT FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE INSTALLMENT PURCHASE FINANCING. (S.L. 1998-117)

H.B. 794, AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT. (S.L. 1998-118)

S.B. 565, AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANKS' RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH, TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, AND TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND EXISTENCE OF AN ACCOUNT OF ANY CUSTOMER. (S.L. 1998-119)

H.B. 1405, AN ACT TO AMEND SMALL CLAIMS PROCEDURE TO CLARIFY THAT THE DISTRICT COURT HAS AUTHORITY TO HEAR CERTAIN MOTIONS FOR RELIEF FROM MAGISTRATES' JUDGMENTS, AND TO PROVIDE THAT A DISTRICT COURT JUDGE, WHO WAS FORMERLY AN ASSISTANT DISTRICT ATTORNEY OF THE THIRTEENTH JUDICIAL DISTRICT MAY PERFORM THE MARRIAGE CEREMONY. (S.L. 1998-120)

H.B. 1367, AN ACT TO RAISE THE SALES TAX QUARTERLY THRESHOLD AND TO REPEAL THE ANNUAL WHOLESALE SALES TAX LICENSE. (S.L. 1998-121)

H.B. 915, AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS UNDER SOME CIRCUMSTANCES. (S.L. 1998-122)

S.B. 138, AN ACT TO ALLOW AN ALTERNATIVE PROCEDURE FOR DISSOLUTION OF A SANITARY DISTRICT THAT HAS NO INDEBTEDNESS AND THE TERRITORY OF WHICH HAS BEEN ENTIRELY ANNEXED. (S.L. 1998-123)

S.B. 1556, AN ACT TO EXTEND TAX-EXEMPT FINANCING UNDER THE HIGHER EDUCATION FACILITIES FINANCE ACT TO PRIVATE ELEMENTARY AND SECONDARY SCHOOL FACILITIES. (S.L. 1998-124)

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Esposito sends forth the Conference Report on House Committee Substitute for **S.B. 78,** A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE SEXUAL HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 1.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 55,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 1.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute for **H.B. 1477,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 1.

Upon concurrence, the Senate committee substitute changes the title.

Senate Committee Substitute for **H.B. 1478,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 1.

Upon concurrence, the Senate committee substitute changes the title.

Committee Substitute No. 2 for **H.B. 1617,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE INDIVIDUAL INCOME TAX CREDIT, is returned for concurrence in Senate amendment and placed on the Calendar of September 1.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 31, 1998

Mr. Speaker:

Pursuant to your message received August 26, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 534** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, and requests conferees, the President Pro Tempore appoints:

Senator Reeves, Chair
Senator Ballance
Senator Cooper
Senator Hartsell

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
August 31, 1998

Mr. Speaker:

Pursuant to your message received August 20, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill No. 2 to **H.B. 1529** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, and requests conferees, the President Pro Tempore appoints:

Senator Albertson, Chair
Senator Garwood
Senator Phillips
Senator Wellons

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

On motion of Representative Esposito, seconded by Representative Hensley, the House adjourns at 8:15 p.m. to reconvene September 1 at 2:00 p.m.

ONE HUNDRED EIGHTY-NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 1, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty and Eternal God, Your prophets of old begged for You to, 'Let justice roll down from the mountains like a mighty rushing stream'. You have said that for justice to occur there must be acts of contrition, repentance, and forgiveness. There must be an opportunity for rehabilitation and restitution. We are not the first governmental body that has had to deal with the highly sensitive issue of legislating and enforcing justice. This issue becomes all the more complex and serious when we deal with the lives of children whose nature and nurture and reasons for inappropriate behavior is difficult to understand and define. As we take up this highly political legislation, help us to remember both victims and perpetrators. Help us to remember the wide diversity of problems that exist in our society. And, as You have always shown and granted Your mercy unto us for our personal transgressions, help our efforts to reflect this same mercy and grace displayed and demonstrated to each one of us by Your loving and most merciful hand. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of August 31 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (109-0).

A leave of absence is granted Representative McMahan for today. Representatives Kiser and Mosley are excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1071, AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS. (S.L. 1998-125)

H.B. 1462, AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE THAT CERTAIN NEW SEPTIC TANK SYSTEMS INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 1998-126)

CONFERENCE REPORT

Representative Daughtry moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 78

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 78, 3rd Edition, House Committee Substitute Favorable 6/17/98, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, House Committee Substitute Favorable 6/17/98, and the Senate concurs in the House Committee Substitute as amended: Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S78-PCCS2910-LR6, "A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE WORKPLACE HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 18, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Frank W. Ballance, Jr., Chair	S/ Leo Daughtry, Chair
S/ Leslie Winner	S/ Edwin M. Hardy
S/ Eleanor Kinnaird	S/ Theresa H. Esposito
S/ Beverly Perdue	S/ Debbie Clary
S/ Mark McDaniel	S/ James W. Crawford, Jr.

The Conference Report, which changes the title, is adopted by electronic vote (111-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 55,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR.

On motion of Representative Warner, the House does not concur in the Senate committee substitute, by electronic vote (111-1), and conferees are requested.

Senate Committee Substitute for **H.B. 1477,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT.

On motion of Representative Arnold, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (112-1), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1478,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.

On motion of Representative Arnold, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (110-3), and the bill is ordered enrolled and presented to the Governor.

Committee Substitute No. 2 for **H.B. 1617,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE INDIVIDUAL INCOME TAX CREDIT.

On motion of Representative Mitchell, the House concurs in the Senate amendment, by electronic vote (113-0), and the bill is ordered enrolled and presented to the Governor.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10.

Representative Dickson offers Amendment No. 1 which is adopted by electronic vote (116-0).

Representative Miller offers Amendment No. 2 which fails of adoption by electronic vote (53-60).

Representative Allred offers Amendment No. 3 which fails of adoption by electronic vote (18-99).

Representative Hackney offers Amendment No. 4 which is adopted by electronic vote (116-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McComas, McCombs, McCrary, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 115.

Voting in the negative: Representatives Allred, Hightower, and McAllister - 3.

Excused absence: Representative McMahan.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL

STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE.

Representative Decker offers Amendment No. 1 which is adopted by electronic vote (115-2).

Representative Decker offers Amendment No. 2 which is adopted by electronic vote (58-56).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 114.

Voting in the negative: Representative Fitch.

Excused absences: Representatives Kiser and McMahan - 2.

Committee Substitute No. 2 for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY

MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, Womble, Wood, Wright, and Yongue - 114.

Voting in the negative: None.

Excused absences: Representatives Kiser and McMahan - 2.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 1371,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS: Representative Crawford, Chair; Representatives Yongue, Warner, Preston, and Arnold.

The Senate is so notified by Special Message.

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 55,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR: Representative Rayfield, Chair; Representatives Warner, Gardner, and Dickson.

The Senate is so notified by Special Message.

POINT OF ORDER

Representative Luebke inquires of the Chair if House Committee Substitute No. 2 for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE, is a roll call bill.

The Chair rules the bill has a fee and is a roll call bill.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 1, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute for **S.B. 78** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE WORKPLACE HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORTS

Representative Carpenter sends forth the Conference Report on Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 2.

The Chair rules the Conference Report to be material, thus constituting its first reading.

Representative Brawley sends forth the Conference Report on Committee Substitute for **S.B. 1230,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TAXATION OF KEROSENE AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 2.

The Chair rules the Conference Report to be material, thus constituting its first reading.

RE-REFERRAL

On motion of Representative Morgan, Committee Substitute for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, is withdrawn from the Calendar, pursuant to Rule 36(a), and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Tallent, the House adjourns at 4:17 p.m. to reconvene September 2 at 1:00 p.m.

ONE HUNDRED NINETIETH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 2, 1998

The House meets at 1:00 p.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Davis.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 1 has been

examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Church, Goodwin, Kiser, Luebke, Mercer, and Mosley for today. Representatives Capps, Culp, and Hardy are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 78, AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE WORKPLACE HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION.

S.B. 1171, AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES.

H.B. 1327, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

H.B. 1477, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, AND TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF.

H.B. 1478, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.

H.B. 1617, AN ACT TO EXTEND THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE INDIVIDUAL INCOME TAX CREDIT.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1356, AN ACT TO FACILITATE ELECTRONIC COMMERCE WITH AND BY PUBLIC AGENCIES OF THE STATE OF NORTH CAROLINA BY RECOGNIZING THE VALIDITY OF ELECTRONIC SIGNATURES AND BY AUTHORIZING THE SECRETARY OF STATE TO REGULATE ELECTRONIC SIGNATURES AND CERTIFICATION AUTHORITIES. (S.L. 1998-127)

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Russell and Shubert, Co-Chairs, for the Committee on Education:

House Committee Substitute for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Brawley moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1230

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1230, A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, House committee Substitute Favorable 6/30/98, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 6/30/98 with the following amendments:

on page 1, lines 2 and 3, rewrite those lines to read:
"AN ACT TO CLARIFY THE TAXATION OF KEROSENE AND TO MAKE";

on page 2, lines 19 through 22, delete those lines;

on page 2, line 23, rewrite the line to read:
"(1) Blended fuel. -- A mixture composed of gasoline or diesel fuel";

on page 4, lines 28 through 35, delete those lines;

on page 6, line 39, add a quotation mark at the end of that line;

on page 6, line 40, delete that line;

on page 7, lines 22 through 35, delete those lines;

on page 8, line 1, rewrite the line to read:
"Refund Period Due Date";

and on page 9, lines 1 through 9, rewrite those lines to read:

"Section 13. Section 7 of this act becomes effective January 1, 1999. Section 1 applies to credits generated from reports filed by motor carriers for the reporting period beginning July 1, 1998. G.S. 105-449.60(7), as amended by Section 3 of this act, and Sections 8 and 9 of this act apply to kerosene sold on or after July 1, 1998. G.S. 105-449.60(31) and (40), as amended by Section 3 of this act, apply to transactions occurring on or after January 1, 1999. The remaining sections of this act are effective when they become law."

The House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 1, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ John H. Kerr, III	S/ Robert Brawley
S/ David W. Hoyle	S/ Charles F. Buchanan
S/ Fletcher L. Hartsell, Jr.	S/ P. Wayne Sexton
	S/ Dewey L. Hill

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Clary, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: Representative Nichols.

Excused absences: Representatives Capps, Church, Culp, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 9.

CONFERENCE REPORT

Representative Carpenter moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1354

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1354, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, House Committee Substitute, Fifth Edition Engrossed 8/5/98, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 8/5/98, and the House concurs in the House Committee Substitute, Fifth Edition Engrossed 8/5/98, with the following amendment:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 8/5/98, and substitute the attached Proposed Conference Committee Substitute S1354-PCCS6878X-RB.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: September 1, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ John H. Kerr, III, Chair	S/ James C. Carpenter, Chair
S/ Frank W. Ballance, Jr.	S/ Cynthia B. Watson
S/ John H. Carrington	S/ Howard J. Hunter, Jr.
S/ Wib Gulley	S/ W. Eugene Wilson
S/ Fletcher L. Hartsell, Jr.	
S/ David W. Hoyle	
S/ R. L. Martin	
S/ Eric Miller Reeves	

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Clary, Cole, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: Representative Berry.

Excused absences: Representatives Church, Culp, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 8.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Allred and without objection, House Committee Substitute No. 2 for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY

FOR USE BY THEIR COUNTY BOARDS OF EDUCATION AND TO REMOVE ALAMANCE COUNTY FROM THE LIST OF COUNTIES THAT MAY ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, is withdrawn from the Calendar and re-referred to the Committee on Ways and Means.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1332,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE ONE DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Church, Culp, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY

BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Crawford, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Church, Culp, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 8.

House Committee Substitute No. 2 for **S.B. 1242,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10.

Representative Miller offers Amendment No. 5 which fails of adoption by electronic vote (36-76).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 109.

Voting in the negative: Representatives Allred, Hightower, and Sutton - 3.

Excused absences: Representatives Church, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 7.

House Committee Substitute No. 2 for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner,

Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 108.

Voting in the negative: Representatives Berry, Brawley, Carpenter, and Fitch - 4.

Excused absences: Representatives Church, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 7.

Committee Substitute No. 2 for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE

THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 113.

Voting in the negative: None.

Excused absences: Representatives Church, Goodwin, Hardy, Kiser, Luebke, Mercer, and Mosley - 7.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

H.B. 1490, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by electronic vote (112-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1373,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING THE TAR-PAMLICO RIVER BASIN, passes its second reading, by electronic vote (113-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1483,** A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF THE RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR REIMBURSEMENT OF CLEAN UP COSTS FROM THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REQUIRE THAT ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANK OPERATING PERMITS SUBJECT TO ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL UNDERGROUND STORAGE TANKS DO NOT APPLY TO CERTAIN TANKS, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS.

Representative Hackney requests that he be excused from voting on this bill, because of a possible conflict of interest, under Rule 24.1A and this request is granted.

Representative Clary offers Amendment No. 1 which is adopted by electronic vote (96-15).

The bill, as amended, passed its second reading, by electronic vote (112-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1491,** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT AN INDIVIDUAL INCOME TAXPAYER ADD BACK TO TAXABLE INCOME THE FAIR MARKET VALUE OF REAL PROPERTY DONATED FOR CONSERVATION PURPOSES IN ORDER TO CLAIM THE INCOME TAX CREDIT FOR THE DONATION OF THAT PROPERTY AND TO INCREASE THE MAXIMUM TAX CREDIT THAT MAY BE CLAIMED BY A CORPORATION AND BY AN INDIVIDUAL FOR A DONATION OF REAL PROPERTY FOR CONSERVATION PURPOSES, passes its second reading, by electronic vote (114-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 1299,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No.2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1552,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC

ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, AND TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 1594,** A BILL TO BE ENTITLED AN ACT TO IMPOSE TEACHER CERTIFICATION FEES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer Committee Substitute for **S.B. 1398,** A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, to the Permanent Subcommittee on Local, Regional, and State Revenues.

RE-REFERRALS

On motion of Representative Gray and without objection, Committee Substitute for **S.B. 801,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, is withdrawn from the Committee on Finance, and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan and without objection, Committee Substitute for **S.B. 425,** A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS, is withdrawn from

the Calendar pursuant to Rule 36(a), and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Neely, the House adjourns at 2:21 p.m. to reconvene September 3 at 9:30 a.m.

ONE HUNDRED NINETY-FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, September 3, 1998

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, reign down Your wisdom upon us as we attempt to make the best possible decisions for Your children. Help us not to lose sight of the fact that the bills we pass affect the people of this great State and are not just our own personal ideological agendas. Keep our minds and our hearts open to the movement of Your Spirit among us so that we might hear a Word from You. Speak to us once more with clarity. Show us the paths that we should trod in order for us to offer mercy and grace to all people. Forgive us from our sin and free us for joyful obedience. Through Your power alone, humble us and grant us the sincerity of heart to be servants and good stewards of Thy people whom You love with an incomprehensible and all-encompassing love. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 2 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Leaves of absence are granted Representatives Brawley, Church, Cunningham, Earle, Kiser, Miller, and Mosley for today. Representative Allen is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1373, AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING THE TAR-PAMLICO RIVER BASIN.

H.B. 1489, AN ACT TO IMPROVE COLLECTION OF LOCAL TAXES BY ALLOWING CERTAIN GOVERNMENT OFFICIALS TO SHARE SPECIFIED TAX INFORMATION AND BY ALLOWING A TAXPAYER TO RECEIVE A RELEASE OR REFUND OF PRORATED VEHICLE PROPERTY TAXES IF THE TAXPAYER MOVES OUT-OF-STATE.

H.B. 1502, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

CHAPTERED BILL

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.J.R. 1761, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (RESOLUTION 45)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1438, A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1484, A BILL TO BE ENTITLED AN ACT TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, AS RECOMMENDED BY THE WATER QUALITY PROGRAMS FUNDING WORKING GROUP AND THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MONITOR AND MODEL THE NEUSE RIVER AND ESTUARY UNDER THE NEUSE RIVER MODELING AND MONITORING (MODMON) PROJECT, DEVELOP A HYDRODYNAMIC MODEL OF THE NEUSE WATERSHED, AND LINK THESE MODELS SO THAT THE EFFECTIVENESS OF CURRENT NUTRIENT MANAGEMENT STRATEGIES FOR THE NEUSE RIVER BASIN CAN BE DETERMINED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

The committee substitute bill is re-referred to the Committee on Appropriations. The original bill is placed on the Unfavorable Calendar.

By Representative Neely for the Committee on Judiciary II:

Senate Committee Substitute for **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST, with recommendation that the House do not concur; request conferees.

Without objection, the bill is placed on the Calendar of September 9.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Committee Substitute No. 2 for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY

FEE, TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, AND TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, with a favorable report as to Committee Substitute Bill No. 3, which changes the title, unfavorable as to Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), Committee Substitute Bill No. 3 is placed on the Calendar. Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

H.B. 1633, A BILL TO BE ENTITLED AN ACT REGARDING MITCHELL COUNTY AND GOVERNMENTAL UNITS LOCATED THEREIN, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

The committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 3, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on

S.B. 1354 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE TO ADDRESS STATEWIDE CRITICAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1347, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL NOT TAX INTERNET ACCESS CHARGES, SHALL ENFORCE SALES TAXES ON INTERNET COMMERCE ONLY TO THE SAME EXTENT IT ENFORCES SALES TAX ON MAIL-ORDER COMMERCE, AND SHALL IMPOSE NO NEW TAXES ON THE INTERNET OR INTERNET COMMERCE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 1230,** A BILL TO BE ENTITLED AN ACT TO EXEMPT RACING GASOLINE FROM THE PER GALLON EXCISE TAX, TO CLARIFY

THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Cunningham, Earle, Kiser, Miller, and Mosley - 7.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 1354,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 104.

Voting in the negative: Representatives Allred and Berry - 2.

Excused absences: Representatives Brawley, Church, Cunningham, Earle, Kiser, Miller, and Mosley - 7.

CALENDAR

Action is taken on the following:

Committee Substitute No. 2 for **H.B. 1332,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE ONE DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes,

Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Brawley, Church, Cunningham, Earle, Kiser, Miller, and Mosley - 7.

House Committee Substitute No. 2 for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY.

Representative Shubert offers Amendment No. 1 which is adopted by electronic vote (107-0).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dickson, Dockham, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Allen, Brawley, Church, Cunningham, Earle, Kiser, Miller, and Mosley - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1509, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL

INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

Representative Allred moves that the bill be withdrawn from the calendar and placed on the Calendar of September 9. The motion fails by electronic vote (49-55).

The bill passes its second reading.

Representative Allred objects to the third reading. The bill remains on the Calendar.

RE-REFERRAL

On motion of Representative Morgan and without objection, Committee Substitute for **S.B. 1285,** A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM, is withdrawn from the Calendar pursuant to Rule 36(a), and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Representative Morgan moves, seconded by Representative Wainwright, that the House adjourn, subject to the ratification of bills, to reconvene September 4 at 9:00 a.m.

The motion carries.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1354, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE

PROJECTS AND (2) FOR GRANTS, LOANS OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES.

The House stands adjourned at 10:35 a.m.

ONE HUNDRED NINETY-SECOND DAY

HOUSE OF REPRESENTATIVES
Friday, September 4, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Almighty God, new every morning is Your love for us. And, all day long You are working for good in the world. Stir up within us the desire to serve You, to faithfully serve our people, to check our inner motivation for why we do what we do.

"You know us. You know our inward most being. You, and You alone can bring wholeness and healing, peace and inner joy to us in both our work and in our play.

"Keep us ever close to Thee, to Thy side, to Thy will and to Thy holiness. May the efforts of our lives be acceptable in Your sight, O Lord our Rock and our Redeemer. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 3 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Baker, Berry, Black, Brawley, Cole, Cunningham, Dedmon, Earle, Gray, Hall, Howard, Kinney, Kiser, Luebke, Mosley, and Morris for today.

REPORTS OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following reports from standing committee are presented:

By Representative Thompson for the Committee on Ways and Means:

Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

On motion of the Speaker and without objection, pursuant to Rule 38(b), the House committee substitute bill is re-referred to the Committee on Finance, Subcommittee on Local, Regional, and State Revenues. The Senate committee substitute bill is placed on the Unfavorable Calendar.

House Committee Substitute No. 2 for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION AND TO REMOVE ALAMANCE COUNTY FROM THE LIST OF COUNTIES THAT MAY ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 3 is placed on the Calendar. House Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representatives Dickson and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer Committee Substitute for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, to the Permanent Subcommittee on Local, Regional, and State Revenues.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 1176,** A BILL TO BE ENTITLED AN ACT TO CUT OFF PER DIEM FOR MEMBERS OF THE GENERAL ASSEMBLY, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, House Committee Substitute for **S.B. 1509,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, is withdrawn from the Calendar and placed on the Calendar of September 9.

On motion of Representative Morgan, seconded by Representative Thompson, the House adjourns at 9:12 a.m. to reconvene Tuesday, September 8, 1998, at 6:00 p.m.

ONE HUNDRED NINETY-THIRD DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 8, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

Without objection, the Reverend Angela Cook, First Presbyterian Church, Raleigh, North Carolina, leads the Body in the Pledge of Allegiance.

Reverend Cook offers the following prayer.

"O Lord, our Governor, Your glory shines throughout the world and this State. We commend our State and its leaders to Your merciful care, that we may live securely in peace and may be guided by Your providence. Give all in authority the wisdom and strength to know Your will and to do it. Help them to remember that they are called to serve the people as lovers of truth and justice and kindness.

"We pray that some day an arrow will be broken, not in something or someone, but by each person, to indicate peace, not violence. Help us to

overcome obstacles that block the way to agreement and the work of our legislature. O God, give us hope for the future and the minds to remember that we are striving toward the same goals.

"Watch over and protect us and guide us on the journey. We pray that Your will is carried out through the leadership of these, Your faithful servants. In the name of our Lord Jesus Christ we pray. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 4 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allen, Cansler, Cole, Davis, Earle, Howard, Ives, Kiser, Morris, Mosley, Warner, Wood, and Wright for today.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1533, AN ACT TO ENABLE THE COUNTY OF HALIFAX, THE COUNTY OF NORTHAMPTON, AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF REGIONAL AIRPORT FACILITIES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1094, AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND CLARIFYING CHANGES. (S.L. 1998-128)

S.B. 1269, AN ACT TO EXTEND BY ONE YEAR THE DATE BY WHICH WELL CONTRACTORS MUST BE CERTIFIED UNDER THE NORTH CAROLINA WELL CONTRACTORS CERTIFICATION ACT AND TO EXTEND THE TIME FOR THE ADOPTION OF RULES BY THE WELL CONTRACTORS CERTIFICATION COMMISSION, AS

RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 1998-129)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 7, 1998

Mr. Speaker:

Pursuant to your message received September 2, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 55** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE TO A RECIPIENT OF THE SILVER STAR AND TO A RECIPIENT OF THE BRONZE STAR, and requests conferees, the President Pro Tempore appoints:

Senator Rand, Chairman
Senator Kerr
Senator Hoyle
Senator Perdue
Senator Carrington
Senator Shaw of Cumberland

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 7, 1998

Mr. Speaker:

Pursuant to your message received September 2, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 1371** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, and requests conferees, the President Pro Tempore appoints:

Senator Dalton, Chairman
Senator Winner
Senator Lee
Senator Rucho

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 8, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute for **S.B. 1230** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TAXATION OF KEROSENE AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1474,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES, is returned for concurrence in Senate Committee Substitute No. 2 and placed on the Calendar of September 9.

Committee Substitute for **S.B. 763,** A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN CRIMINAL CASES, AND TO MAKE CHANGES TO THE CRIME VICTIMS COMPENSATION ACT, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Wainwright, the House adjourns at 6:11 p.m. to reconvene September 9 at 2:30 p.m.

ONE HUNDRED NINETY-FOURTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 9, 1998

The House meets at 2:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Byron Wade, Raleigh, North Carolina.

"Almighty and Everlasting God, we are truly thankful for Your grace and mercy in allowing us to see another beautiful day that You have made. Lord, I ask that Your Holy Spirit may be with Your elected servants, those whom You have called from all over North Carolina as they convene for this session today. I ask, O Lord, that in all their deliberations, that You will lead them to follow Your will and not their own. Help them to serve the citizens of this State so that we all may glorify You for all You have done. I ask for these and other blessings in the name of Your Son, Jesus Christ. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 8 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Carpenter, Decker, Ives, Luebke, Mercer, Mosley, Warwick, and Wood for today. Representative Kiser is excused for a portion of the session.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1230, AN ACT TO CLARIFY THE TAXATION OF KEROSENE, AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1533, AN ACT TO ENABLE THE COUNTY OF HALIFAX, THE COUNTY OF NORTHAMPTON, AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF REGIONAL AIRPORT FACILITIES. (S.L. 1998-130)

H.B. 1477, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO

IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, AND TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF. (S.L. 1998-131)

S.B. 1354, AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE RURAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES. (S.L. 1998-132)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Committee Substitute for **S.B. 1176,** A BILL TO BE ENTITLED AN ACT TO CUT OFF PER DIEM FOR MEMBERS OF THE GENERAL ASSEMBLY, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on today's Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with

approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar of September 10. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

Committee Substitute for **S.B. 1398,** A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of September 10.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 9, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 1514** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY, and requests conferees. The President Pro Tempore appoints:

Senator Plyler, Chairman
Senator Carrington
Senator Purcell

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Davis, Chair; Representatives Hall, Gray, and Morgan as conferees on the part of the House and the Senate is so notified by Special Message.

POINT OF PERSONAL PRIVILEGE

"I was recently privileged to travel to Williamsport, Pennsylvania for the Little League World Series.

"I've seen a World Series with the Yankees in Yankee Stadium...and the Little League World Series was more fun!

"In July of this year, 7500 Little League Allstar teams began the 'Road to Williamsport'.

"The 1998 Greenville, North Carolina, Tarheel 11 and 12 year old Little League Allstar team traveled to the 'Road to Williamsport' by winning the District 4 Championship held in Vanceboro, North Carolina, then traveling to Kernersville, North Carolina, where they won the State Championship for the great State of North Carolina.

Then, your North Carolina Championship Team traveled to St. Petersburg, Florida, where they competed with 13 other State Champions to become USA South by winning the Southern Regional Championship.

This win advanced them to the Little League World Series held in Williamsport, Pennsylvania.

"These young men and their coaches exemplified the ultimate in Little League as stated in their pledge: 'I trust in God. I love my country and will respect its laws. I will play fair and strive to win, but win or lose, I will always do my best'.

"In World Series play in Williamsport, Pennsylvania, these young men fulfilled that pledge and they achieved the distinction of finishing second in the United States and third in the world. No other Little League team in the history of North Carolina has received the distinction of being second in the United States and third in the world.

"Both the players and the coaches demonstrated excellence in character, ability, and sportsmanship at all times. The City of Greenville, Pitt County, the great State of North Carolina and the 13 states of the Southern Region were admirably represented both on and off the playing field.

"It is, indeed, a tremendous privilege and honor to be able to introduce these outstanding young men and their coaches to you.

"Gentlemen, as I call your name please stand and remain standing until all have been recognized. Please hold applause until all names have been read.

Richard Barnhill	Jordan Lee
Brandon Brown	Michael Lilley
Sam Byrum	Brack Massey
Taylor Gagnon	J. D. Morgan
Zach Garris	Shelton Nelson
Justin Hardee	Patrick Warrington
Kevin Hodges	Alex White

Coaches

Coach Mason Lilley	Coach Pete Carraway
Coach Greg Benner	Manager Wayne Hardee

"There were 23 home runs in 20 games; 113 runs - 12 in 1 inning; perfect game pitched by Kevin Hodges; no hitter game pitched by Richard Barnhill in the State Championship game; and all 9 boys hit home runs.

"Mr. Speaker, I would like to request these remarks be entered into the Journal and I invite this House to join me in congratulating these young men and their coaches."

Without objection, the aforementioned remarks are of Representative Aldridge are spread upon the Journal.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST.

On motion of Representative Hackney, the House does not concur in the Senate committee substitute, by electronic vote (107-0), and conferees are requested.

Senate Committee Substitute No. 2 for **H.B. 1474,** A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

On motion of Representative McMahan, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (105-0), and the bill is ordered enrolled and presented to the Governor.

House Committee Substitute for **S.B. 1509,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

Representative Allred offers an amendment.

On motion of the Chair, the bill, with pending amendment, is temporarily displaced.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1055,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Carpenter, Decker, Ives, Luebke, Mercer, Mosley, Warwick, and Wood - 8.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Pursuant to Rule 24.1A(c), the request that Representative McComas be excused from voting on July 21 is continued.

The bill passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute No. 2 for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, is withdrawn from the Calendar and placed on the Calendar of September 14.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1347,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL NOT TAX INTERNET ACCESS CHARGES, SHALL ENFORCE SALES TAXES ON INTERNET COMMERCE ONLY TO THE SAME EXTENT IT ENFORCES SALES TAX ON MAIL-ORDER COMMERCE, AND SHALL IMPOSE NO NEW TAXES ON THE INTERNET OR INTERNET COMMERCE, AND TO IMPOSE LIABILITY ON THOSE WHO TRANSMIT UNSOLICITED ITEMS OF ELECTRONIC MAIL THAT INCLUDE ADVERTISEMENTS (SPAM), passes its second reading, by electronic vote (104-2), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

House Committee Substitute for **S.B. 1509,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, which was temporarily displaced, with pending amendment, is before the Body.

Representative Allred withdraws his amendment.

Representative Allred offers Amendment No. 1.

Representative Michaux inquires of the Chair if the amendment is germane to the bill, pursuant to Rule 43. The Speaker rules the amendment is germane to the bill.

Amendment No. 1 fails of adoption, by electronic vote (53-53), for lack of a majority.

The bill passes its third reading, by electronic vote (108-1), and is ordered sent to the Senate for concurrence in House committee substitute.

Committee Substitute for **S.B. 1176,** A BILL TO BE ENTITLED AN ACT TO CUT OFF PER DIEM FOR MEMBERS OF THE GENERAL ASSEMBLY.

Representative Hensley moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title of the bill. The motion fails by electronic vote (52-56).

Representative Redwine offers Amendment No. 1 which is adopted by electronic vote (55-49).

Representative Allred offers Amendment No. 2.

On motion of Representative Brawley, seconded by Representative Thompson, Amendment No. 2 is tabled by electronic vote (79-28).

The bill, as amended, passes its second reading, by electronic vote (108-1), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute by Special Message.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 9, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 1260** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES

OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES TO THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION OF JUVENILE CRIME AND JUSTICE, and requests conferees. The President Pro Tempore appoints:

Senator Cooper, Chairman
Senator Allran
Senator Dalton
Senator Hartsell
Senator Lucas
Senator Martin of Guilford
Senator Odom
Senator Wellons

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Neely, Chair; Representatives McMahan, Baddour, Sutton, Culpepper, Justus, and Creech as conferees on the part of the House and the Senate is so notified by Special Message.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 68,** A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF LAKE WACCAMAW, is returned for concurrence in Senate committee substitute and referred to the Committee on Local and Regional Government I.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE

SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST: Representative Neely, Chair; Representatives Bowie, McMahan, and Hackney.

The Senate is so notified by Special Message.

CONFERENCE REPORTS

Representative Davis sends forth the Conference Report on House Committee Substitute No. 2 for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 10.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

Representative Brown sends forth the Conference Report on Senate Committee Substitute No. 2 for **H.B. 1529,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 10.

On motion of Representative Morgan, seconded by Representative Sexton, the House adjourns at 4:21 p.m. to reconvene September 10 at 9:30 a.m.

ONE HUNDRED NINETY-FIFTH DAY

HOUSE OF REPRESENTATIVES
Thursday, September 10, 1998

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, how wide is Your love for us? How deep is Your mercy toward us? How far do Your arms stretch to reach us and draw us into Your gentle embrace?

"We greet You this morning with praise on our lips and with joy in our hearts. As we begin our work this day, let us begin as those who have been motivated by Your gift of love. Let us run the race that has been set before us with perseverance, with pure and sincere motives, with resolve to complete our tasks, and with a purpose that is guided by an intense desire to please You in all that we do. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 9 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (101-0).

Leaves of absence are granted Representatives Black, Carpenter, Decker, Hill, Gardner, Howard, Ives, Kinney, Kiser, Miner, and Mosley for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1407, AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

H.B. 1342, AN ACT TO AMEND AND CLARIFY THE RENUNCIATION OF PROPERTY AND RENUNCIATION OF FIDUCIARY POWERS ACT.

H.B. 1474, AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 349,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE SERVICES COMMISSION TO ALL OF JONES, WILMINGTON, AND SALISBURY STREETS PROXIMATE TO THE STATE LEGISLATIVE BUILDING, AND TO THE BRICK WALKWAY

PROXIMATE TO THE LEGISLATIVE OFFICE BUILDING, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of September 14.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 577,** A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR FORESTERS, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 14.

Senate Committee Substitute No. 2 for **H.B. 1082,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE, AND TO ALLOW AN INCREASE IN MEMBERS ON THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of September 14.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Committee Substitute No. 2 for **S.B. 1239,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FAMILY FARMS AND FAMILY BUSINESSES FROM INHERITANCE TAXES, is read the first time and referred to the Committee on Rules, Calendar, and Operations of the House.

CONFERENCE REPORT

Representative Brown moves the adoption of the following Conference Report.

Senate Committee Substitute No. 2 for H.B. 1529

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1529, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT, Senate Finance Committee Substitute #2 Adopted 8/6/98, (Sixth Edition), wish to report as follows:

The House concurs in the Senate Finance Committee Substitute #2 Adopted 8/6/98, (Sixth Edition), with the following amendment and the Senate agrees to the same.

On page 2, line 19, after the period by adding new language to read:

"The Council shall send press releases about the referendum to at least 10 daily and 10 weekly or biweekly newspapers having general circulation in a county in the State, and to any trade journals deemed appropriate by the Council. Notice of the referendum also shall be posted in every place the Council identifies as selling commercial horse feed.".

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: September 9, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Charles W. Albertson	S/ John W. Brown
S/ John A. Garwood	S/ Martha B. Alexander
S/ Jim W. Phillips, Sr.	S/ W. Dickson
S/ Allen H. Wellons	S/ Dewey L. Hill
	S/ Julia C. Howard
	S/ John Weatherly

Representative Brawley moves that the Conference Report be withdrawn from today's Calendar and placed on the Calendar of September 14. The motion fails by electronic vote (41-65).

The Conference Report is adopted, by electronic vote (62-42), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Davis moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 1514

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1514, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY, Fifth Edition Engrossed 9/3/98, submit the following report:

The Senate concurs in the House Committee Substitute #2, Fifth Edition Engrossed 9/3/98 with amendments as follows:

(1) On page 7, line 34, delete the words "or all"

(2) On page 7, line 36, insert the following immediately before the colon: "unless the entire area is annexed".

The House agrees to the same.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: September 9, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Aaron Plyler	S/ Donald Davis
S/ William Purcell	S/ Bobby R. Hall
S/ John H. Carrington	S/ Lyons Gray
	S/ Richard T. Morgan

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner,

Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Black, Carpenter, Decker, Gardner, Hill, Howard, Ives, Kinney, Kiser, Miner, and Mosley - 11.

CALENDAR

Action is taken on the following:

Committee Substitute No. 2 for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Black, Carpenter, Decker, Gardner, Hill, Howard, Ives, Kinney, Kiser, Miner, and Mosley - 11.

Committee Substitute for **S.B. 1398,** A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT

AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

Representative Allred offers Amendment No. 1.

Representative Hensley inquires of the Chair if the amendment is germane to the bill. The Speaker rules the amendment is germane.

Amendment No. 1 fails of adoption by electronic vote (38-66).

The bill passes its second reading, by electronic vote (102-5), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled.

Committee Substitute No. 2 for **H.B. 1055,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Bryant, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Black, Carpenter, Decker, Gardner, Hill, Howard, Ives, Kinney, Kiser, Miner, and Mosley - 11.

On motion of Representative Morgan, seconded by Representative Hardy, the House adjourns at 10:23 a.m. to reconvene Monday, September 14, 1998, at 7:00 p.m.

ONE HUNDRED NINETY-SIXTH DAY

HOUSE OF REPRESENTATIVES
Monday, September 14, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Most Merciful God, You alone are sovereign. You alone hold truth, mercy, and forgiveness in the palm of Your hand. And, You alone know what is really within our hearts.

"Sin, morality, political motivation, self-absorption, egomania, integrity, and sincerity...these qualities of the human condition are not imaginary. They are quite real and they affect us all in very real ways, both good and bad.

"As we work within the walls of the public's legislature, remind us to check our souls at the door. What is there deep within? What moves us to act in the ways that we do? What governs our attitudes?

"God, grant that we may be true to that truth which supercedes the common boundaries of society's measures of success, the partisan political bickering that separates us from each other, and all the rhetoric that fuels public opinion, but remains absent from our thoughts and actions.

"God, Eternal, grant us Thy grace. God, Eternal, grant us Thy mercy. God, Eternal, grant us Thy peace. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 10 has been

examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (80-0).

Leaves of absence are granted Representatives Allen, Arnold, Black, Brawley, Cansler, Carpenter, Cunningham, Dickson, Dockham, Ellis, Esposito, Ives, Kinney, Kiser, Luebke, Mercer, Rogers, Russell, Smith, Wainwright, Womble, and Wright for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1242, AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10.

H.B. 1361, AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1398, AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1478, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS. (S.L. 1998-133)

H.B. 1617, AN ACT TO EXTEND THE INCOME TAX CREDIT FOR POULTRY COMPOSTING FACILITIES TO CORPORATE ENTITIES AND TO REMOVE THE SUNSET FOR THE INDIVIDUAL INCOME TAX CREDIT. (S.L. 1998-134)

S.B. 78, AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE WORKPLACE HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION. (S.L. 1998-135)

S.B. 1171, AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY WELLS SERVING INSTITUTIONS AND FACILITIES. (S.L. 1998-136)

H.B. 1327, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS. (S.L. 1998-137)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representatives Gray, Brawley, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE

PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL, PHARMACY TECHNICIANS, AND ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS AND CHARGE A FEE, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

Committee Substitute for **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1114,** A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM, is returned for concurrence in Senate committee substitute and referred to the Committee on Local and Regional Government I.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING

REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING, is returned for concurrence in Senate committee substitute and referred to the Committee on Judiciary II.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 15.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute No. 2 for **S.B. 1514,** A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Earle, Eddins, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Justus, McAllister, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris,

Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Sexton, Sherrill, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Weatherly, G. Wilson, Wood, and Yongue - 84.

Voting in the negative: None.

Excused absences: Representatives Allen, Arnold, Black, Brawley, Cansler, Carpenter, Cunningham, Dickson, Dockham, Ellis, Esposito, Ives, Kinney, Kiser, Luebke, Mercer, Rogers, Russell, Smith, Wainwright, Watson, Womble, and Wright - 23.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 349,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NEW MOTOR VEHICLES NEED BE INSPECTED ONLY WHEN THEY ARE SOLD TO THE FIRST PURCHASER.

On motion of Representative Gray, the House concurs in the Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (84-1), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 577,** A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR FORESTERS.

On motion of Representative Weatherly, the House concurs in the Senate committee substitute bill, by electronic vote (85-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute No. 2 for **H.B. 1082,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE.

On motion of Representation Sutton, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (81-3), and the bill is ordered enrolled and presented to the Governor.

Committee Substitute No. 2 for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A

1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, passes its third reading, by the following vote, and is ordered sent to the Senate by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allred, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Davis, Decker, Dedmon, Earle, Eddins, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Justus, McAllister, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Sexton, Sherrill, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Weatherly, G. Wilson, Wood, and Yongue - 84.

Voting in the negative: None.

Excused absences: Representatives Allen, Arnold, Black, Brawley, Cansler, Carpenter, Cunningham, Dickson, Dockham, Ellis, Esposito, Ives, Kinney, Kiser, Luebke, Mercer, Rogers, Russell, Smith, Wainwright, Watson, Womble, and Wright - 23.

House Committee Substitute No. 3 for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION AND TO SUNSET ALAMANCE COUNTY'S ABILITY TO DO THE SAME.

Representative Reynolds offers Amendment No. 1 which is adopted by electronic vote (63-20). This amendment changes the title.

Representative Justus offers Amendment No. 2 which is adopted by electronic vote (81-2).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Decker, Dedmon, Earle, Eddins, Fox,

Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Justus, McAllister, McComas, McCombs, McCrary, McMahan, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Sexton, Sherrill, Starnes, Sutton, Thompson, Tolson, Warner, Warwick, Weatherly, G. Wilson, Wood, and Yongue - 80.

Voting in the negative: Representatives Allred, Capps, and Davis - 3.

Excused absences: Representatives Allen, Arnold, Black, Brawley, Cansler, Carpenter, Cunningham, Dickson, Dockham, Ellis, Esposito, Ives, Kinney, Kiser, Luebke, Mercer, Rogers, Russell, Smith, Wainwright, Watson, Womble, and Wright - 23.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute No. 2 for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, is withdrawn from the Calendar and placed on the Calendar of September 15.

On motion of Representative Morgan, seconded by Representative Hightower, the House adjourns at 7:26 p.m. to reconvene September 15 at 2:00 p.m.

ONE HUNDRED NINETY-SEVENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 15, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Most Holy God, turning to You can be the easiest and yet, the most difficult thing for us to do. Our hearts yearn to be in Your presence, but our

business and our stubbornness often sidetrack us from humbling ourselves before You. As we journey through the wilderness of life, whether we know it or not, whether we acknowledge it or not, we always travel searching for righteousness' path. When our efforts are self-serving, then we have strayed from that path where You trod. Our actions speak so much louder and are so much clearer than our words. Incline our hearts toward Thee, O God, so that as we continue our daily pilgrimage, we would intentionally and faithfully seek out the path of righteousness that ultimately leads to the foot of Thy throne. Humility is that point in our lives when we recognize that there is nothing that we can do apart from You. God grant us the humility necessary to deny ourselves and our selfish whims and desires in order that the greater good can be found for all of Your children, both in this great State of ours, and throughout Your world. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 14 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (91-0).

Representative Hightower requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (92-0).

Leaves of absence are granted Representatives Capps, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble for today. Representatives Daughtry and Kiser are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 349, AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE SERVICES COMMISSION TO ALL OF JONES, WILMINGTON, AND SALISBURY STREETS PROXIMATE TO THE STATE LEGISLATIVE BUILDING, AND TO THE BRICK WALKWAY PROXIMATE TO THE LEGISLATIVE OFFICE BUILDING.

H.B. 577, AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR FORESTERS.

H.B. 1082, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE, AND TO ALLOW AN INCREASE IN MEMBERS ON THE NORTH CAROLINA INDIAN HOUSING AUTHORITY.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1509, AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

S.B. 1514, AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY.

H.B. 1332, AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE ONE DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS.

H.B. 1613, AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN AND ROCKINGHAM COUNTIES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1373, AN ACT TO DISAPPROVE AN ADMINISTRATIVE RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING THE TAR-PAMLICO RIVER BASIN. (S.L. 1998-138)

H.B. 1489, AN ACT TO IMPROVE COLLECTION OF LOCAL TAXES BY ALLOWING CERTAIN GOVERNMENT OFFICIALS TO SHARE SPECIFIED TAX INFORMATION AND BY ALLOWING A TAXPAYER TO RECEIVE A RELEASE OR REFUND OF PRORATED VEHICLE PROPERTY TAXES IF THE TAXPAYER MOVES OUT-OF-STATE. (S.L. 1998-139)

H.B. 1502, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (S.L. 1998-140)

S.B. 1398, AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (S.L. 1998-141)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 14, 1998

Mr. Speaker:

Pursuant to your message received Wednesday, September 9, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST, and requests conferees, the President Pro Tempore appoints:

Senator Miller, Chairman
Senator Ballantine
Senator Soles

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 14, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute bill No. 2 for **S.B. 1514** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

Senate Committee Substitute for **H.B. 1483,** A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF THE RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR REIMBURSEMENT OF CLEAN UP COSTS FROM THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE ENVIRONMENTAL

MANAGEMENT COMMISSION TO REQUIRE THAT ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANK OPERATING PERMITS SUBJECT TO ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL UNDERGROUND STORAGE TANKS DO NOT APPLY TO CERTAIN TANKS, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 16.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS.

On motion of Representative Eddins, the House concurs in the material Senate committee substitute on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Decker, Dedmon, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary,

McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 97.

Voting in the negative: Representatives Creech and Hensley - 2.

Excused absences: Representatives Capps, Daughtry, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble - 10.

Committee Substitute No. 3 for **S.B. 1312,** A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

Representative Justus offers Amendment No. 3 which is adopted by electronic vote (101-0).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 3.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 101.

Voting in the negative: Representative Allred.

Excused absences: Representatives Capps, Daughtry, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble - 10.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN.

Representative Morgan offers Amendment No. 1 which is adopted by electronic vote (100-0).

Representative Shubert offers Amendment No. 2 which is adopted by electronic vote (102-0).

The bill, as amended, passes its second reading, by the following vote, and is ordered engrossed and remains on the Calendar.

Those voting in the affirmative are: Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 100.

Voting in the negative: None.

Excused absences: Representatives Capps, Daughtry, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble - 10.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Representative Smith offers Amendment No. 1 which fails of adoption by electronic vote (51-52).

Representative Hardy offers Amendment No. 2 which fails of adoption by electronic vote (32-72).

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 104.

Voting in the negative: Representatives Hardy and Smith - 2.

Excused absences: Representatives Capps, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble - 9.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 916,** A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY.

Representative Morris offers Amendment No. 1 which is adopted by electronic vote (102-0).

Representative Morris offers Amendment No. 2 which is adopted by electronic vote (104-0).

Representative Clary offers Amendment No. 3 which is adopted by electronic vote (101-0).

Representative Insko offers Amendment No. 4 which fails of adoption by electronic vote (15-88).

Representative Insko offers Amendment No. 5 which fails of adoption by electronic vote (29-74).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McCombs, McCrary, McMahan, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Sexton, Sherrill, Shubert, Starnes, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 94.

Voting in the negative: Representatives Black, Brawley, McComas, Miller, Nesbitt, Nichols, Nye, Rogers, Smith, Sutton, and Wood - 11.

Excused absences: Representatives Capps, Davis, Dickson, Esposito, Goodwin, Ives, Mercer, Watson, and Womble - 9.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS.

Representative McMahan offers Amendment No. 1 which is adopted by electronic vote (106-0).

Representative Hackney offers Amendment No. 2 which is adopted by electronic vote (104-0).

On motion of Representative McMahan, and without objection, the bill, as amended, is postponed until September 16.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1299,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN.

Representative Sexton offers Amendment No. 1 which is adopted by electronic vote (99-2).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Easterling, Eddins, Ellis, Fox, Gardner, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 102.

Voting in the negative: None.

Excused absences: Representatives Capps, Davis, Dickson, Esposito, Goodwin, Ives, Kiser, Mercer, Watson, and Womble - 10.

House Committee Substitute No. 2 for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR- PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS.

Representative Hiatt offers Amendment No. 1 which is adopted by electronic vote (97-3).

Representative Berry offers Amendment No. 2 which is adopted by electronic vote (100-1).

Representative H. Hunter offers Amendment No. 3 which is adopted by electronic vote (100-0).

The bill, as amended, passes its second reading, by electronic vote (96-1).

Representative Cunningham requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (97-1).

Representative Redwine objects to the third reading. The bill remains on the Calendar.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Sexton and Buchanan, Co-Chairs, for the Committee on Transportation:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY ROAD WEIGHT EXEMPTIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY SPECIAL MESSAGE FROM THE SENATE SECOND SESSION 1998

Senate Chamber
September 15, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute No. 2 for **H.B. 1529** (Conference Report),

A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT.

Pursuant to your message that your Honorable Body adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Rayfield sends forth the Conference Report on Senate Committee Substitute for **H.B. 55,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 16.

The Speaker rules the Conference Report to be material, thus constituting its first reading.

Representative Morgan moves, seconded by Representative Hill, that the House adjourn, subject to the receipt of Committee Reports, to reconvene September 16 at 1:30 p.m.

The motion carries.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Neely for the Committee on Judiciary II:

Senate Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING

REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING, with recommendation that the House concur.

The bill is placed on the Calendar of September 16.

The House stands adjourned at 4:11 p.m.

ONE HUNDRED NINETY-EIGHTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 16, 1998

The House meets at 1:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, Your Holy Spirit can break even the most difficult of stalemates. You do this because You alone can see through our posturing and peer directly into our souls. You know what is hidden deep within us. We cannot hide what motivates us from You. And, we cannot withstand Your omnipotent gaze without yielding to Your characteristics of mercy, understanding, kindness, and, yes, compromise. As both Chambers continue to labor for what each thinks is in the best interests of Your people, turn Your gaze inward upon all of us. Let each one of us experience the awesome power of Your presence and, at the same time, the gentle pull of Your loving and tender embrace. Remind us, O Great God of Heaven, that You do not wish for empty phrases or elaborate sacrifices from us, instead, what You require is justice and mercy and for Your folks to walk humbly with Thee. Have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 15 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (87-0).

Leaves of absence are granted Representatives Barbee, Capps, Cole, Davis, Dickson, Ives, Kiser, Luebke, Sutton, and Womble for today.

Representatives Eddins, Hardy, and Justus are excused for a portion of the session.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1529, AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representative Thompson, Co-Chair, for the Permanent Subcommittee on Justice and Public Safety of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **S.B. 763,** A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS' RIGHTS ACT, TO ASSIST VICTIMS OF DOMESTIC VIOLENCE, TO ALLOW THE ENFORCEMENT OF ORDERS FOR RESTITUTION IN CRIMINAL CASES IN THE SAME MANNER AS CIVIL JUDGMENTS, TO CREATE AN EXCEPTION TO THE STATUTORY EXEMPTIONS FOR EXECUTION OF RESTITUTION JUDGMENTS, TO CHANGE THE ORDER OF PRIORITY FOR DISBURSEMENT OF FUNDS IN

CRIMINAL CASES, AND TO MAKE CHANGES TO THE CRIME VICTIMS COMPENSATION ACT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Warner moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 55

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 55, AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE TO A RECIPIENT OF THE SILVER STAR AND TO A RECIPIENT OF THE BRONZE STAR., Senate Finance Committee Substitute Adopted 8/20/98, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 8/20/98, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 6 and 7, by rewriting the lines to read:
"PLATE TO A RECIPIENT OF THE SILVER STAR, TO A RECIPIENT OF THE BRONZE STAR, AND TO A RECIPIENT OF THE DISTINGUISHED FLYING CROSS.";

and on page 2, line 24, by rewriting the line to read:

"Section 5. G.S. 20-79.4(b) is amended by adding a new subdivision to read:

'(12a) Distinguished Flying Cross. -- Issuable to a recipient of the Distinguished Flying Cross. The plate shall bear the emblem of the Distinguished Flying Cross and the words "Distinguished Flying Cross".'

Section 6. This act is effective when it becomes law.".

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: September 10, 1998

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Tony Rand	S/ John Rayfield
S/ John Carrington	S/ Charlotte Gardner
S/ David Hoyle	S/ Alex Warner
S/ John H. Kerr	
S/ Beverly Perdue	
S/ Larry Shaw	

The material Conference Report is adopted on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 100.

Voting in the negative: Representatives Creech and Hensley - 2.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Eddins, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 13.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1518,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS.

On motion of Representative Eddins, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 101.

Voting in the negative: Representatives Creech and Hensley - 2.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Eddins, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 13.

Senate Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING.

On motion of Representative Neely, the House concurs in the material Senate committee substitute bill on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: None.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Eddins, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 13.

Senate Committee Substitute for **H.B. 1483,** A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF THE RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR REIMBURSEMENT OF CLEAN UP COSTS FROM THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REQUIRE THAT ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANK

OPERATING PERMITS SUBJECT TO ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL UNDERGROUND STORAGE TANKS DO NOT APPLY TO CERTAIN TANKS, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS.

Pursuant to Rule 24.1A(c), the excused vote of Representative Hackney from September 2 is continued.

On motion of Representative Mitchell, the House concurs in the Senate committee substitute bill, by electronic vote (100-2), and the bill is ordered enrolled and presented to the Governor.

House Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN.

On motion of Representative Reynolds and without objection, the bill is temporarily displaced.

Committee Substitute No. 2 for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, passes its third reading, by the following vote, and is ordered sent to the Senate

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox,

Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Smith and Watson - 2.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 12.

House Committee Substitute for **S.B. 916,** A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY.

Representative Brawley offers Amendment No. 6 which fails of adoption by electronic vote (40-63).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 96.

Voting in the negative: Representatives Brawley, Miller, Mosley, Nesbitt, Nichols, Nye, Rogers, Smith, and Wood - 9.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 12.

House Committee Substitute No. 2 for **S.B. 1299,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 101.

Voting in the negative: None.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 12.

Representatives Miller, Black, and Allen request and are granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1391,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE

PEOPLE, is withdrawn from the Calendar and placed on the Calendar of September 22.

CALENDAR (continued)

House Committee Substitute for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS.

Representative McMahan offers Amendment No. 3 which is adopted by electronic vote (103-0).

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 98.

Voting in the negative: Representatives Baker, Berry, Rayfield, Sherrill, Shubert, and Wood - 6.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 12.

VOTE RECONSIDERED

Having voted with the prevailing side, Representative Clary moves that the vote by which House Committee Substitute for **S.B. 916,** A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY, passed its third reading be reconsidered. The motion carries by electronic vote (102-2).

Representative Baddour offers Amendment No. 7 which is adopted by electronic vote (104-0).

The bill, as amended, passes its third reading by the following vote, and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 96.

Voting in the negative: Representatives Allred, Brawley, Miller, Mosley, Nichols, Nye, Rogers, Smith, and Wood - 9.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Hardy, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 12.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 3 for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE FOR

CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, TO AMEND THE LAW GOVERNING INSURERS' INVESTMENTS IN MORTGAGE LOANS AND MORTGAGE SECURITIES, AND TO CONFORM THE INSURANCE SURCHARGE LAW TO A RECENT ENACTMENT.

Representative C. Wilson offers Amendment No. 1 which is adopted by electronic vote (104-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Ives, Justus, Kiser, Luebke, Sutton, and Womble - 11.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute No. 2 for **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE

RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Ives, Kiser, Luebke, Sutton, and Womble - 10.

House Committee Substitute for **S.B. 1263,** A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN, which was temporarily displaced, is before the Body.

The bill, as amended, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney,

McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 105.

Voting in the negative: Representative Aldridge.

Excused absences: Representatives Barbee, Capps, Cole, Davis, Dickson, Ives, Kiser, Luebke, Sutton, and Womble - 10.

House Committee Substitute No. 2 for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR- PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS.

Representative C. Wilson offers Amendment No. 4, which is adopted by electronic vote (102-1).

Representative Redwine offers Amendment No. 5 which is adopted by electronic vote (100-3).

The bill, as amended, passes its third reading, by electronic vote (101-3), and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1480, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE FARMS ASSOCIATED WITH SWINE OPERATION INTEGRATORS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Wainwright, the House adjourns at 2:44 p.m. to reconvene September 17 at 9:00 a.m.

ONE HUNDRED NINETY-NINTH DAY

HOUSE OF REPRESENTATIVES
Thursday, September 17, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Davis.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 16 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (90-0).

Representative Nichols requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (91-0).

Leaves of absence are granted Representatives Adams, Aldridge, Allen, Arnold, Brawley, Dickson, Fox, Gray, Hall, Hiatt, Ives, Kiser, McAllister, Mosley, Preston, Sutton, Tolson, and Watson for today.

Pursuant to Rule 54, the Speaker grants a leave of absence, beginning today, to the Principal Clerk, Denise G. Weeks, through September 23.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1483, AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF THE

RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR REIMBURSEMENT OF CLEAN UP COSTS FROM THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REQUIRE THAT ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANK OPERATING PERMITS SUBJECT TO ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL UNDERGROUND STORAGE TANKS DO NOT APPLY TO CERTAIN TANKS, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS.

H.B. 1518, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS, TO ISSUE GIRL SCOUT GOLD AWARD SPECIAL REGISTRATION PLATES TO RECIPIENTS OF THE GIRL SCOUT GOLD AWARD OR THEIR PARENTS OR GUARDIANS, AND TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS.

H.B. 1737, AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE AUTHORITY OF

THE BOARD OF GOVERNORS WITH REGARD TO CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS PROPERTY, TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND SERVICE CHARGE AND TO LIMIT THE NUMBER OF YEARS STATE PROPERTY CAN BE LEASED TO NINETY-NINE YEARS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1509, AN ACT TO ALLOW THE CITY OF DURHAM TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES. (S.L. 1998-142)

S.B. 1514, AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND CONCERNING ANNEXATION IN HARNETT COUNTY. (S.L. 1998-143)

H.B. 1332, AN ACT TO ALLOW THE CITY OF GREENVILLE TO UNDERTAKE ONE DOWNTOWN DEVELOPMENT PROJECT SUBJECT TO CERTAIN CONDITIONS. (S.L. 1998-144)

H.B. 1613, AN ACT ABOLISHING THE OFFICE OF CORONER IN MARTIN AND ROCKINGHAM COUNTIES. (S.L. 1998-145)

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative C. Wilson, Co-Chair, for the Committee on Finance:

House Committee Substitute for **S.B. 1199,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE, TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, AND TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, with a

favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE
SECOND SESSION 1998

Senate Chamber
September 16, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1263** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN, and requests conferees. The President Pro Tempore appoints:

Senator Plyler, Chairman
Senator Carrington
Senator Purcell

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

The material Conference Report for Senate Committee Substitute for **H.B. 55,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY

CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR, which changes the title, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allred, Baddour, Baker, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gulley, Hackney, Hardaway, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 92.

Voting in the negative: Representatives Creech and Hensley - 2.

Excused absences: Representatives Adams, Aldridge, Allen, Arnold, Brawley, Dickson, Fox, Gray, Hall, Hiatt, Ives, Kiser, McAllister, Mosley, Preston, Sutton, Tolson, and Watson - 18.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1318,** A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS AND TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING.

On motion of Representative Neely, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Alexander, Baddour, Baker, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre,

Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gulley, Hackney, Hardaway, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 92.

Voting in the negative: None.

Excused absences: Representatives Adams, Aldridge, Allen, Arnold, Brawley, Dickson, Fox, Gray, Hall, Hiatt, Ives, Kiser, McAllister, Mosley, Preston, Sutton, Tolson, and Watson - 18.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative McMahan and without objection, House Committee Substitute for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS, is withdrawn from the Calendar and placed on the Calendar of September 22.

CALENDAR (continued)

Committee Substitute No. 3 for **H.B. 1429,** A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1998, TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, TO CLARIFY THE LAW ON INSURERS' FUNDING AGREEMENT RESERVES, TO AMEND THE LAW GOVERNING INSURERS' INVESTMENTS IN MORTGAGE LOANS AND MORTGAGE SECURITIES, AND TO CONFORM THE INSURANCE SURCHARGE LAW TO A RECENT ENACTMENT.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allred, Baddour, Baker, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gulley, Hackney, Hardaway, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 94.

Voting in the negative: None.

Excused absences: Representatives Adams, Aldridge, Allen, Arnold, Brawley, Dickson, Fox, Gray, Hall, Hiatt, Ives, Kiser, McAllister, Mosley, Preston, Sutton, Tolson, and Watson - 18.

Committee Substitute No. 3 for **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY, passes its third reading, by the following vote, and is ordered sent to the Senate.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allred, Baddour, Baker, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gulley, Hackney, Hardaway, Hensley, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris,

Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Warner, Warwick, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 94.

Voting in the negative: None.

Excused absences: Representatives Adams, Aldridge, Allen, Arnold, Brawley, Dickson, Fox, Gray, Hall, Hiatt, Ives, Kiser, McAllister, Mosley, Preston, Sutton, Tolson, and Watson - 18.

On motion of Representative Morgan, seconded by Representative Esposito, the House adjourns at 9:19 a.m. to reconvene September 18 at 8:00 a.m.

TWO HUNDREDTH DAY

HOUSE OF REPRESENTATIVES
Friday, September 18, 1998

The House meets at 8:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Jarrell.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 17 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Brawley, Cole, Dickson, Earle, Fox, Gray, Hall, Hiatt, Ives, Kinney, Kiser, Luebke, and Mosley for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1318, A BILL TO BE ENTITLED AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS, TO INCREASE THE THRESHOLD

REQUIREMENT FOR NONRESIDENT WITHHOLDING, AND TO PROVIDE A MECHANISM TO ENHANCE COLLECTION OF TAXES FROM NONRESIDENTS ENGAGED IN CONSTRUCTION-RELATED BUSINESSES.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 17, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute for **H.B. 55** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE TO A RECIPIENT OF THE SILVER STAR, TO A RECIPIENT OF THE BRONZE STAR, AND TO A RECIPIENT OF THE DISTINGUISHED FLYING CROSS.

Pursuant to your message that your Honorable Body adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 17, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the conferees on **S.B. 1263** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN, have been dismissed.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1260,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS AND TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES, is returned for concurrence in Senate committee substitute and placed on the Calendar of September 22.

Upon concurrence, the Senate committee substitute changes the title.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Committee Substitute for **S.B. 1277,** A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND TO STUDY CHANGES RELATIVE TO THE TORT CLAIMS ACT, is read the first time and referred to the Committee on Judiciary II.

On motion of Representative Morgan, seconded by Representative Howard, the House adjourns at 8:06 a.m. to reconvene Tuesday, September 22, 1998, at 2:00 p.m.

TWO HUNDRED FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Omnipotent God, You alone hold the universe in Your embrace and only You can tell the sun when to rise and fall. You alone hold the affairs of human government in check. O God, how You must rejoice when we put aside our differences to serve others, and yet, O Lord, how you must weep when we place ourselves in the way of accomplishing Your will. Humility is such a difficult spiritual discipline for us. It is hard not to think of ourselves more highly than we ought when others place us upon pedestals upon which they wish to climb. It is even more difficult not to abuse or misuse any power that we may think we possess when we sit in chairs and positions of honor. What we need is a drastic re-orientation of our thinking. Remind us that we are not the ones in control; but rather, You are the one who guides and directs human affairs through us, because of us, and, yes, even in spite of us. Teach us the meaning of humility, self-denial, and servanthood so that we might accomplish the tasks set before us. All this we humbly pray as we bow before Thy countenance which goes before us, remains with us at all times, and will follow us forever and ever. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 18 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (97-0).

Representatives Beall and Ramsey state that their voting equipment malfunctioned and they request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (99-0).

Leaves of absence are granted Representatives Alexander, Cansler, Cunningham, Dickson, Kiser, and McCrary for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 55, AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE TO A RECIPIENT OF THE SILVER STAR, TO A RECIPIENT OF THE BRONZE STAR, AND TO A RECIPIENT OF THE DISTINGUISHED FLYING CROSS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1230, AN ACT TO CLARIFY THE TAXATION OF KEROSENE AND TO MAKE OTHER CHANGES IN THE MOTOR FUEL TAX LAWS. (S.L. 1998-146)

S.B. 1407, AN ACT TO PROVIDE BENEFITS UNDER THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND ACT TO REGISTERS OF DEEDS WHO ARE OTHERWISE NOT ELIGIBLE SOLELY BECAUSE THE COUNTY DOES NOT PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (S.L. 1998-147)

H.B. 1342, AN ACT TO AMEND AND CLARIFY THE RENUNCIATION OF PROPERTY AND RENUNCIATION OF FIDUCIARY POWERS ACT. (S.L. 1998-148)

H.B. 1474, AN ACT TO AMEND THE MOTOR VEHICLE LAWS TO CONFORM WITH FEDERAL LAW AND TO MAKE TECHNICAL AND OTHER CHANGES. (S.L. 1998-149)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 21, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill No. 2 to **S.B. 1202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, and requests conferees. The President Pro Tempore appoints:

Senator Dannelly, Chairman
Senator Cooper,
Senator Lucas
Senator Martin of Guilford

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, TOBACCO WAREHOUSE OWNERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO FEDERAL LEGISLATION, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of September 23.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

Senate Committee Substitute for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, TO

ALLOW AN INCOME TAX DEDUCTION FOR EMPLOYEES' PAYMENTS TO THEIR EMPLOYERS FOR PARKING, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of September 23.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

CONFERENCE REPORT

Representative Neely sends forth the Conference Report on Senate Committee Substitute for **H.B. 534,** A BILL TO BE ENTITLED AN ACT REGARDING THE CONTRACTUAL OBLIGATIONS OF SPOUSES, THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of September 23.

Representative Bowie sends forth the Conference Report on Senate Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION. Pursuant to Rule 44(d), and without objection, the Conference Report is placed on the Calendar of September 29.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1260,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS AND TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES.

On motion of Representative Ives, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (103-2),

and the bill is ordered enrolled and presented to the Governor by Special Message.

House Committee Substitute for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS.

On motion of Representative McMahan and without objection, the bill is temporarily displaced.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry and without objection, Committee Substitute for **H.B. 1391,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE, is withdrawn from the Calendar and placed on the Calendar of September 29.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1594,** A BILL TO BE ENTITLED AN ACT TO IMPOSE TEACHER CERTIFICATION FEES, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nye,

Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, and Yongue - 105.

Voting in the negative: Representatives Baker, Decker, Hardy, and Nichols - 4.

Excused absences: Representatives Alexander, Cansler, Cunningham, Dickson, Kiser, and McCrary - 6.

Committee Substitute No. 2 for **S.B. 1199,** BILL TO BE ENTITLED AN ACT TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, TO SET THE PUBLIC UTILITY REGULATORY FEE, AND TO SET THE INSURANCE REGULATORY CHARGE.

On motion of the Chair and without objection, the bill is temporarily displaced.

H.B. 1385, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL AND PHARMACY TECHNICIANS, TO ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS, AND TO DIRECT THE BOARD OF PHARMACY TO STUDY THE NEED FOR A TRAINING PROGRAM FOR PHARMACY TECHNICIANS.

On motion of Representative Carpenter and without objection, the bill is withdrawn from the Calendar and placed on the Calendar of September 29.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 427,** A BILL TO BE ENTITLED AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS.

Representative McComas requests that he be excused from voting on this bill, due to a conflict of interest, under Rule 24.1A and this request is granted.

The bill passes its second reading by electronic vote (103-6).

Representative Ellis objects to the third reading. The bill remains on the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1199,** BILL TO BE ENTITLED AN ACT TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, TO SET THE PUBLIC UTILITY REGULATORY FEE, AND TO SET THE INSURANCE REGULATORY CHARGE, which was temporarily displaced, is before the Body.

Representative Allred offers Amendment No. 1.

Representative Michaux inquires of the Chair if the amendment is germane to the title. The Speaker rules the amendment is germane to the title.

Amendment No. 1 is adopted by electronic vote (79-31).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Bryant, Buchanan, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nichols, Nye, Oldham, Owens, Preston,

Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 101.

Voting in the negative: Representatives Adams, Baker, Blue, Decker, Fitch, Hardy, Hensley, Womble, and Wood - 9.

Excused absences: Representatives Alexander, Cansler, Cunningham, Dickson, Kiser, and McCrary - 6.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Allred for the Committee on Ways and Means:

S.B. 739, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO INTERPRET THE PROVISIONS OF G.S. 160A-385, CONCERNING ZONING PROTEST PETITIONS, TO MAKE THE INTERPRETATIONS CONCLUSIVE IN THE ABSENCE OF ARBITRARY OR CAPRICIOUS ACTIONS; AND, TO REQUIRE THAT PROTEST PETITIONS BE SUBMITTED TO THE CITY AT LEAST FOUR NORMAL WORKING DAYS BEFORE THE DATE OF THE REZONING PUBLIC HEARING, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of September 23.

Upon concurrence, the Senate committee substitute bill changes the title.

The Speaker rules the Senate committee substitute bill to be material, thus constituting its first reading.

CALENDAR (continued)

House Committee Substitute for **S.B. 1291,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS, which was temporarily displaced, is before the Body.

Representative McMahan offers Amendment No. 4 which is adopted by electronic vote (105-0).

The bill, amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute bill.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Allen, Allred, Arnold, Baddour, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Bryant, Buchanan, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 102.

Voting in the negative: Representatives Baker, Rayfield, and Shubert - 3.

Excused absences: Representatives Alexander, Cansler, Cunningham, Dickson, Kiser, and McCrary - 6.

Representative C. Wilson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (103-3).

WITHDRAWAL OF OBJECTION TO THIRD READING

Representative Ellis withdraws his objection to the third reading of House Committee Substitute for **S.B. 427,** A BILL TO BE ENTITLED AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS.

Pursuant to Rule 24.1A(c), the request that Representative McComas be excused from voting is continued.

The bill passes its third reading, by electronic vote (103-3), and the bill is ordered sent to the Senate for concurrence in House committee substitute bill.

CONFEREES APPOINTED

The Speaker announces the following conferees on House Committee Substitute No. 2 for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS; Representative Howard, Chair; Representatives McMahan, C. Wilson, and H. Hunter.

The Senate is so notified by Special Message.

On motion of Representative Morgan, seconded by Representative Mitchell, the House adjourns at 3:33 p.m. to reconvene September 23 at 2:00 p.m.

TWO HUNDRED SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 23, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, Creator of all that is seen and unseen. We thank You for this beautiful day and the beginning of this new season. As the change in seasons brings a freshness to our hearts, so too may Your Spirit be manifested within our hearts. May we ask, seek, and knock on Heaven's door as we search together for answers to our legislative questions. Empower us to open our ears and truly listen to one another. Open our eyes to truly see one another. Open our hearts to truly receive one another in kindness, in mercy, and with grace. We pray this in the name of the One who was, and is, and is to come. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 22 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (103-0).

Leaves of absence are granted Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson for today. Representatives Preston and C. Wilson are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1260, AN ACT TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES.

S.B. 1299, AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1263, AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1361, AN ACT TO REVISE THE MUNICIPAL ANNEXATION LAWS AND TO CHANGE THE CRITERIA TO BE CONSIDERED BY THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS. (S.L. 1998-150)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Committee Substitute for **S.B. 2,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL PRIMARY, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 801,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Senate Committee Substitute for **S.B. 1285,** A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 1274,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS AND TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

By Representative Neely for the Committee on Judiciary II:

S.B. 1554, A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES, with a favorable report as to House committee substitute bill, unfavorable as to original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The original bill is placed on the Unfavorable Calendar.

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

H.B. 213, A BILL TO BE ENTITLED AN ACT ALLOWING THE BOARDS OF COUNTY COMMISSIONERS IN ALL COUNTIES TO ASSUME DIRECT CONTROL OF COUNTY BOARDS, COMMISSIONS, AND AGENCIES AND ALLOWING ALL COUNTIES HAVING COUNTY MANAGERS TO MODIFY OR CONSOLIDATE THE LOCAL ADMINISTRATION AND DELIVERY OF HUMAN SERVICES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY-BASED NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1016, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1030, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NURSING HOMES TO OBTAIN CRIMINAL HISTORY RECORD CHECKS FROM THE CLERK OF COURT, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1116, A BILL TO BE ENTITLED AN ACT TO REQUIRE MEDICAL INSTITUTIONS AND UNIVERSITY HOSPITALS THAT RECEIVE STATE FUNDS TO INCLUDE WOMEN AS SUBJECTS IN MEDICAL RESEARCH PROJECTS, AS APPROPRIATE, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1130, A BILL TO BE ENTITLED AN ACT PROHIBITING DISCRIMINATION OR RETALIATION AGAINST LICENSED HEALTH CARE PROFESSIONALS WHO REPORT, IN GOOD FAITH,

INSTANCES OF IMPROPER QUALITY OF PATIENT CARE, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1465, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

CONFERENCE REPORT PLACED ON CALENDAR

Without objection, the Conference Report on Senate Committee Substitute for **H.B. 1304,** A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE BOARD OF TRANSPORTATION, is withdrawn from the Calendar of September 29 and placed on today's Calendar.

CONFERENCE REPORT

Representative Neely moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 534

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 534, A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, Senate Judiciary Committee Substitute Adopted 8/10/98, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Judiciary Committee Substitute Adopted 8/10/98, and the House concurs in the Senate Committee Substitute as amended:

on page 1, line 2, by rewriting the line to read:

"AN ACT TO ALLOW THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT";

and on page 1, between lines 6 and 7, by inserting the following between those lines:

"Section 1. G.S. 50-13.4(e) reads as rewritten:

'(e) Payment for the support of a minor child shall be paid by lump sum payment, periodic payments, or by transfer of title or possession of personal property of any interest therein, or a security interest in or possession of real property, as the court may order. The court may order the transfer of title to real property solely owned by the obligor in payment of arrearages of child support so long as the net value of the interest in the property being transferred does not exceed the amount of the arrearage being satisfied. In every case in which payment for the support of a minor child is ordered and alimony or postseparation support is also ordered, the order shall separately state and identify each allowance.'";

and by renumbering the remaining sections accordingly;

and on page 1, line 11, by rewriting the line to read:

"property, as the court may order. The court may order the transfer of title to real property solely owned by the obligor in payment of lump-sum payments of alimony or postseparation support or in payment of arrearages of alimony or postseparation support so long as the net value of the interest in the property being transferred does not exceed the amount of the arrearage being satisfied. In every case in which either alimony or";

and on page 2, line 3, by deleting the number "(3)" and substituting the number "(4)";

and on page 2, lines 13-17, by rewriting the lines to read:

"a. Whether the proposed withholding is based on the obligor's failure to make legally obligated ~~payments in an amount equal to the support payable for one month,~~ child support, alimony or postseparation support payments on the obligor's request for withholding, on the obligee's request for withholding, or on the obligor's eligibility for withholding under G.S. 110-136.3(b)(3);";

and on page 3, lines 1-2, by rewriting the lines to read:

"(1) Withhold from the obligor's disposable income and, within 7 business days of the date the obligor is paid, send to the clerk of superior court or State collection and disbursement unit, as";

and on page 3, lines 11-12, by rewriting the lines to read:

"(2) Continue withholding until further notice from the IV-D agency, the clerk of superior court, or the State collection and disbursement unit;";

and on page 3, line 20, by rewriting the line to read:

"court or the State collection and disbursement unit in a non-IV-D case, in writing:";

and on page 4, line 9, by deleting the word "being";

and on page 4, line 10, by adding after the word "marital" the words "or divisible";

and on page 4, line 11, by adding after the word "marital" the words "or divisible";

and on page 4, lines 12-14, by rewriting the lines to read:

"Section 12. This act becomes effective January 1, 1999. Sections 1 through 10 of this act apply to actions pending on or after the effective date. Section 11 applies to actions filed on or after the effective date."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: September 15, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Eric Miller Reeves, Chairman	S/ C. B. Neely, Chairman
S/ Frank W. Ballance, Jr.	S/ Joe Hackney
S/ R. A. Cooper, III	S/ Bill Culpepper
S/ Fletcher L. Hartsell, Jr.	S/ Charlotte A. Gardner
	S/ Lanier M. Cansler

The Conference Report, which changes the title, is adopted, by electronic vote (102-0), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Bowie moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1304

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the House of Representatives and the Senate on House Bill 1304, A BILL TO BE ENTITLED AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION, Senate Committee Substitute, Seventh Edition Engrossed 8/4/98, submit the following report:

The Senate and the House of Representatives agree to the following amendment to the Senate Committee Substitute, Seventh Edition Engrossed 8/4/98, and the Senate concurs in the Senate Committee Substitute, Seventh Edition Engrossed 8/4/98, with the following amendment:

Delete the entire Senate Committee Substitute, Seventh Edition Engrossed 8/4/98, and substitute the attached Proposed Conference Committee Substitute H1304-PCCS3188-RW003C.

The conferees recommend that the House of Representatives and the Senate adopt this report.

Date conferees approved report: September 9, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Beverly Perdue, Chair	S/ Joanne W. Bowie, Chair
S/ David W. Hoyle	S/ Charles M. Buchanan
S/ Luther H. Jordan, Jr.	S/ Jim Gulley
S/ Eleanor Kinnaird	S/ Wayne Sexton
S/ Larry Shaw	S/ Ronnie Sutton
S/ Robert G. Shaw	S/ Wilma M. Sherrill

The Conference Report is adopted, by electronic vote (103-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE.

On motion of Representative Buchanan, the House concurs in the material Senate committee substitute bill on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Boyd-McIntyre, Brown, Bryant, Buchanan, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Dedmon, Dockham, Easterling, Eddins, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sherrill, Shubert, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 97.

Voting in the negative: Representatives Decker, Ellis, McComas, and Sexton - 4.

Excused absences: Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson - 12.

Senate Committee Substitute for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, TO ALLOW AN INCOME TAX DEDUCTION FOR EMPLOYEES' PAYMENTS TO THEIR EMPLOYERS FOR PARKING, AND TO

CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS.

On motion of Representative Gray, the House concurs in the material Senate committee substitute bill on its second roll call reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Allen, Allred, Arnold, Baddour, Baker, Barefoot, Beall, Black, Blue, Bonner, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 105.

Voting in the negative: None.

Excused absences: Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson - 12.

Senate Committee Substitute No. 2 for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, TOBACCO WAREHOUSE OWNERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO FEDERAL LEGISLATION.

On motion of Representative Baker, the House does not concur in Senate Committee Substitute Bill No. 2, by electronic vote (90-16), and conferees are requested.

Committee Substitute for **S.B. 1594,** A BILL TO BE ENTITLED AN ACT TO IMPOSE TEACHER CERTIFICATION FEES, passes its third reading, by the following vote, and is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Bonner, Bowie, Brawley, Brown, Buchanan, Cansler, Carpenter, Church, Clary, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dockham, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hiatt, Hill, Holmes, Howard, Ives, Justus, Kiser, McComas, McCombs, McMahan, Miner, Mitchell, Morgan, Morris, Neely, Oldham, Owens, Preston, Rayfield, Reynolds, Rogers, Russell, Sexton, Sherrill, Shubert, Tallent, Thompson, Weatherly, C. Wilson, and G. Wilson - 63.

Voting in the negative: Representatives Adams, Allred, Beall, Black, Blue, Boyd-McIntyre, Bryant, Cole, Cunningham, Decker, Dedmon, Earle, Easterling, Eddins, Fitch, Hardaway, Hardy, Hensley, Hightower, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Kinney, McAllister, Mercer, Michaux, Miller, Nesbitt, Nichols, Nye, Ramsey, Redwine, Saunders, Smith, Sutton, Tolson, Wainwright, Warner, Womble, Wood, Wright, and Yongue - 44.

Excused absences: Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson - 12.

House Committee Substitute No. 2 for **S.B. 1199,** A BILL TO BE ENTITLED AN ACT TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, TO SET THE PUBLIC UTILITY REGULATORY FEE, AND TO SET THE INSURANCE REGULATORY CHARGE.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Representatives Aldridge, Allen, Arnold, Baddour, Barbee, Barefoot, Beall, Black, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Dedmon, Dockham, Earle, Easterling, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hiatt, Hightower, Hill, Holmes, Howard, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser,

McAllister, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 89.

Voting in the negative: Representatives Adams, Allred, Baker, Blue, Cunningham, Decker, Eddins, Ellis, Fitch, Hardy, Hensley, H. Hunter, Nichols, Nye, Womble, and Wood - 16.

Excused absences: Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson - 12.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute No. 2 for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, TOBACCO WAREHOUSE OWNERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO FEDERAL LEGISLATION: Representative Baker, Chair; Representatives Creech, Neely, and Hill.

The Senate is so notified by Special Message.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (106-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Tallent, Thompson, Tolson, Wainwright, Warner, Weatherly, G. Wilson, Womble, Wood, Wright, and Yongue - 103.

Voting in the negative: Representatives Adams, Fitch, and Sutton - 3.

Excused absences: Representatives Alexander, Braswell, Capps, Dickson, Hall, Luebke, McCrary, Moore, Mosley, Starnes, Warwick, and Watson - 12.

On motion of the Chair, the House recesses at 3:10 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Howard and Aldridge, Co-Chairs, for the Committee on Human Resources:

Committee Substitute for **S.B. 350,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES, with a favorable report, as amended.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 879,** A BILL TO BE ENTITLED AN ACT TO (I) ENACT TEACHER SALARY SCHEDULES, SCHOOL-BASED ADMINISTRATOR SALARY SCHEDULES, AND SCHOOL CENTRAL OFFICE SALARY RANGES, (II) GRANT SALARY INCREASES OF THREE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (III) PROVIDE BONUSES OF ONE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (IV) MODIFY THE COMPUTATION OF YEARS OF SERVICE FOR TEACHER ASSISTANTS, (V) GRANT COST-OF-LIVING INCREASES OF TWO AND ONE-HALF PERCENT TO MOST RETIREES FROM STATE-ADMINISTERED RETIREMENT SYSTEMS, (VI) SET EMPLOYER CONTRIBUTION RATES FOR THE STATE-ADMINISTERED RETIREMENT SYSTEMS, (VII) PROVIDE FOR A SALARY ADJUSTMENT FUND, AND (VIII) APPROPRIATE FUNDS FOR THESE PURPOSES.

On motion of Representative Holmes, Rule 41(a) is suspended, by electronic vote (98-3), and the bill is placed on the Calendar for immediate consideration.

Representative Black offers an amendment.

The Speaker rules that the amendment is not in order.

Representative Black attempts to be recognized in order to appeal the ruling of the Chair.

Pursuant to Rule 7(a), the Speaker states that the member is not recognized for that purpose.

Representative Daughtry calls the previous question on the passage of the bill and the call is sustained by electronic vote (69-30).

The bill passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1243, A BILL TO BE ENTITLED AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1480,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE OPERATION INTEGRATORS BY SWINE GROWERS, TO EXTEND BY SIX MONTHS THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS AND ON LAGOONS AND ANIMAL WASTE MANAGEMENT SYSTEMS FOR SWINE FARMS, AND TO CLARIFY EXCEPTIONS TO THE STATEWIDE MORATORIUM.

Representative Neely requests that he be excused from voting on this bill, under Rule 24.1A, and this request is granted.

The bill passes its second reading, by electronic vote (83-17), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 23, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute for **H.B. 1304** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

On motion of Representative Morgan, seconded by Representative Fox, the House adjourns at 5:18 p.m. to reconvene September 24 at 10:00 a.m.

TWO HUNDRED THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, September 24, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God, who are we that we might desire an audience with You? Who are we that we might be so bold as to ask for Your guidance? It seems as if we have a tendency to treat You like a bell hop. When we need

You, we just ring the bell. But when all is well, we often forget that Your grace is behind our joy.

"Lord, let us not trivialize prayer. Teach us that prayer is not something that we use to get what we want.

"In these days, remind us that our audience with You is mercifully granted because You love us and because we are Your beloved children.

"Thanks be to God. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 23 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (89-0).

Leaves of absence are granted Representatives Aldridge, Capps, Dickson, Hall, Hurley, Kiser, McCrary, Mosley, Starnes, Russell, and Warwick for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1594, AN ACT TO IMPOSE TEACHER CERTIFICATION FEES.

S.B. 879, AN ACT TO (I) ENACT TEACHER SALARY SCHEDULES, SCHOOL-BASED ADMINISTRATOR SALARY SCHEDULES, AND SCHOOL CENTRAL OFFICE SALARY RANGES, (II) GRANT SALARY INCREASES OF THREE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (III) PROVIDE BONUSES OF ONE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (IV) MODIFY THE COMPUTATION OF YEARS OF SERVICE FOR TEACHER ASSISTANTS, (V) GRANT COST-OF-LIVING INCREASES OF TWO AND ONE-HALF PERCENT TO MOST RETIREES FROM STATE-ADMINISTERED RETIREMENT SYSTEMS, (VI) SET EMPLOYER CONTRIBUTION RATES FOR THE STATE-ADMINISTERED RETIREMENT SYSTEMS, (VII) PROVIDE FOR A SALARY ADJUSTMENT FUND, AND (VIII) APPROPRIATE FUNDS FOR THESE PURPOSES.

H.B. 1304, AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION.

S.B. 1243, AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1263, AN ACT TO REVIVE THE CHARTER OF THE TOWN OF UNIONVILLE AND TO REVIVE THE CHARTER OF THE TOWN OF WOODLAWN. (S.L. 1998-151)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Justus and C. Wilson, Co-Chairs, for the Committee on Election Laws and Campaign Reform:

Committee Substitute for **S.B. 708,** A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF POLITICAL ADVERTISEMENTS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

Committee Substitute for **S.B. 672,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

On motion of Representative Brawley, Co-Chair, for the Committee on Finance, the House committee substitute bill is re-referred to the Subcommittee on Local, Regional, and State Revenues.

By Representative McMahan for the Committee on Congressional Redistricting:

H.B. 599, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, IMPLEMENTING SHAW COMPLIANCE PLAN C, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1398, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1633,** A BILL TO BE ENTITLED AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE.

On motion of Representative Buchanan, the House concurs in the material Senate committee substitute bill, which changes the title, on its

third roll call reading, by the following vote, and the bill is ordered enrolled.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 97.

Voting in the negative: Representatives Allred, Eddins, and Ellis - 3.

Excused absences: Representatives Aldridge, Capps, Dickson, Hall, Hurley, Kiser, McCrary, Mosley, Russell, Starnes, and Warwick - 11.

Senate Committee Substitute for **H.B. 1326,** A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES FROM FIVE YEARS TO TWENTY YEARS, TO ALLOW AN INCOME TAX DEDUCTION FOR EMPLOYEES' PAYMENTS TO THEIR EMPLOYERS FOR PARKING, AND TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS.

On motion of Representative C. Wilson, the House concurs in the material Senate committee substitute bill, which changes the title, on its third roll call reading, by the following vote, and the bill is ordered enrolled and presented to the Governor.

Those voting in the affirmative are: Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle,

Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 98.

Voting in the negative: Representative Allred.

Excused absences: Representatives Aldridge, Capps, Dickson, Hall, Hurley, Kiser, McCrary, Mosley, Russell, Starnes, and Warwick - 11.

House Committee Substitute No. 2 for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES.

Representative Allred offers Amendment No. 2.

On motion of the Chair, the bill with Amendment No. 2 pending, is temporarily displaced.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Gardner, Cansler, and Clary, Co-Chairs, for the Permanent Subcommittee on Human Resources of the Standing Committee on Appropriations, with approval of standing committee Co-Chair for report to be made directly to the floor of the House:

Committee Substitute for **H.B. 1455,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING, with a favorable report as to Committee Substitute Bill No. 2, unfavorable as to Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), Committee Substitute Bill No. 2 is placed on the Calendar. Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1326, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES, TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, AND TO CORRECT TWO REDLINING ERRORS IN 1998 TAX LEGISLATION.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1633, AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF LAKE WACCAMAW, AND TO CLARIFY THE BOUNDARIES OF THE TOWN OF MOCKSVILLE BY ANNEXING AN AREA WHOLLY SURROUNDED BY THE CORPORATE LIMITS, SOME OF WHICH AN ACCURATE SURVEY HAS NOW SHOWN TO HAVE BEEN ANNEXED IN 1895 BUT NOT RECOGNIZED AS PART OF THE TOWN UNTIL A RECENT SURVEY.

CALENDAR (continued)

House Committee Substitute No. 2 for **S.B. 1336,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE

TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES, which was temporarily displaced with Amendment No. 2 pending, is before the Body.

Representative Allred withdraws Amendment No. 2.

Representative Allred offers new Amendment No. 2 which fails of adoption by electronic vote (12-87).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Carpenter, Church, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McMahan, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Saunders, Sexton, Sherrill, Smith, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 99.

Voting in the negative: Representatives Fitch and Sutton - 2.

Excused absences: Representatives Aldridge, Capps, Dickson, Hall, Hurley, Kiser, McCrary, Mosley, Russell, Starnes, and Warwick - 11.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 1262,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS, is read the first time and referred to the Committee on Appropriations, Subcommittee on Justice and Public Safety.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 1472, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to committee substitute bill, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Hightower, the House adjourns at 11:04 a.m. to reconvene Monday, September 28, 1998, at 7:00 p.m.

TWO HUNDRED FOURTH DAY

HOUSE OF REPRESENTATIVES
Monday, September 28, 1998

The House meets at 7:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Lord, we want to be more holy in our hearts.

Our hearts are the citadel of all our desiring,
where our hopes are born
and all the deep resolutions of our spirit take wings.
In this center, our fears are nourished,
and all our hates are nurtured.
Here our loves are cherished,
and all the deep hungers of our spirit are honored
without quivering and without shock.
In our hearts above all else,
let love and integrity envelop us
until our love is perfected and the last vestige
of our desiring is no longer in conflict with Thy Spirit.
Lord, we want to be more holy in our hearts. Amen."

- Howard Thurman

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 24 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (70-0).

Leaves of absence are granted Representatives Alexander, Allen, Bryant, Buchanan, Cole, Cunningham, Earle, Easterling, Insko, Kinney, Kiser, Mosley, Redwine, Russell, Starnes, Thompson, Watson, and Yongue for today.

THE RECEIVING OF PETITIONS, MEMORIALS AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

September 24, 1998

To: Speaker and Members of the House

Request it be read on the House Floor that the undersigned name be removed from HB 160 Titled Port User on Ports Board. Reason the said House Bill has been changed by Proposed Senate Committee Substitute H160-PCSX4217-RB Short Title Interstate Economic Development Zones "dealing with malt beverages, unfortified wine, fortified wine and mixed beverages."

S/ Donald Spencer Davis
Member NC House District 19

September 28, 1998

To: Speaker and Members of the House

Request it be read on the House Floor that the undersigned name be removed from HB 160 Titled Port User on Ports Board. Reason the said House Bill has been changed by Proposed Senate Committee Substitute H160-PCSX4217-RB Short Title Interstate Economic Development Zones "dealing with malt beverages, unfortified wine, fortified wine and mixed beverages."

S/ Rep. J. Russell Capps
Member NC House District 92

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1633, AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN ANNEXATION TO THE TOWN OF SPRUCE PINE TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF LAKE WACCAMAW, AND TO CLARIFY THE BOUNDARIES OF THE TOWN OF MOCKSVILLE BY ANNEXING AN AREA WHOLLY SURROUNDED BY THE CORPORATE LIMITS, SOME OF WHICH AN ACCURATE SURVEY HAS NOW SHOWN TO HAVE BEEN ANNEXED IN 1895 BUT NOT RECOGNIZED AS PART OF THE TOWN UNTIL A RECENT SURVEY. (S.L. 1998-152)

S.B. 879, AN ACT TO (I) ENACT TEACHER SALARY SCHEDULES, SCHOOL-BASED ADMINISTRATOR SALARY SCHEDULES, AND SCHOOL CENTRAL OFFICE SALARY RANGES, (II) GRANT SALARY INCREASES OF THREE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (III) PROVIDE BONUSES OF ONE PERCENT FOR OTHER PUBLIC SCHOOL EMPLOYEES AND FOR MOST STATE EMPLOYEES, (IV) MODIFY THE COMPUTATION OF YEARS OF SERVICE FOR TEACHER ASSISTANTS, (V) GRANT COST-OF-LIVING INCREASES OF TWO AND ONE-HALF PERCENT TO MOST RETIREES FROM STATE-ADMINISTERED RETIREMENT SYSTEMS,

(VI) SET EMPLOYER CONTRIBUTION RATES FOR THE STATE-ADMINISTERED RETIREMENT SYSTEMS, (VII) PROVIDE FOR A SALARY ADJUSTMENT FUND, AND (VIII) APPROPRIATE FUNDS FOR THESE PURPOSES. (S.L. 1998-153)

H.B. 1529, AN ACT TO PROVIDE FOR A HORSE PROMOTION ASSESSMENT. (S.L. 1998-154)

H.B. 1082, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE, AND TO ALLOW AN INCREASE IN MEMBERS ON THE NORTH CAROLINA INDIAN HOUSING AUTHORITY. (S.L. 1998-155)

H.B. 349, AN ACT TO EXTEND THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE SERVICES COMMISSION TO ALL OF JONES, WILMINGTON, AND SALISBURY STREETS PROXIMATE TO THE STATE LEGISLATIVE BUILDING, AND TO THE BRICK WALKWAY PROXIMATE TO THE LEGISLATIVE OFFICE BUILDING. (S.L. 1998-156)

H.B. 577, AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR FORESTERS. (S.L. 1998-157)

S.B. 1242, AN ACT TO PROVIDE FOR A WIRELESS ENHANCED 911 SYSTEM FOR THE USE OF CELLULAR, PERSONAL COMMUNICATIONS SERVICE, AND OTHER WIRELESS TELEPHONE CUSTOMERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE, AND TO ALLOW STATE AGENCIES TO LEASE PUBLIC PROPERTY FOR THE CONSTRUCTION OF WIRELESS COMMUNICATIONS TOWERS AND TO ENCOURAGE CO-LOCATION OF SERVICES TO THOSE TOWERS, AND TO MAKE A TECHNICAL CORRECTION TO G.S. 62A-10. (S.L. 1998-158)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 24, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 1360** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW AND TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998, and requests conferees. The President Pro Tempore appoints:

Senator Plyler, Chairman
Senator Carrington
Senator Lucas
Senator Purcell

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints Representative Barbee, Chair; Representatives Allred, Reynolds, Daughtry, and Clary as conferees on the part of the House and the Senate is so notified by Special Message.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 24, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that Senator Wellons has been added as a conferee on House Committee Substitute bill No. 2 to **S.B. 1202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1424,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCE PROGRAMS AS APPROPRIATE, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute bill.

On motion of Representative Morgan, seconded by Representative Rogers, the House adjourns at 7:16 p.m. to reconvene September 29 at 2:00 p.m.

TWO HUNDRED FIFTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, September 29, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Lord God, You are so merciful towards us. We fill our lives with many idols. We strive for independence from You. We forget to give You thanks for our very breath. And yet, You are here. Right here with us.

"We force our own will upon our lives without the fore-knowledge You have for us. We separate ourselves from each other by carving up

political, social, and economic boundaries forgetting that You created us all in Your image. And yet, You are here. Right here with us.

"We move through life at our own pace. We often look only to ourselves for answers to life's deepest and most important questions. We move so fast, we leave You behind. And yet, You are here. Right here with us.

"God grant us the patience to wait upon the Lord. God grant us wisdom to see with eyes that have seen the kingdom of God. God grant us hearts that understand that no matter how hard we try to move away from You, that no matter how far we may stray from the fold, no matter our religious affiliation nor amount of faithfulness we show, You are here. Indeed, You are right here with us. Thanks be to God! Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 28 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (96-0).

Leaves of absence are granted Representatives Braswell, Bryant, Clary, Davis, Insko, and Mosley for today. Representatives Baddour, Buchanan, Fox, Goodwin, Kiser, Miller, Smith, and Starnes are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1490, AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

S.B. 427, AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS.

REPORT OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following report from permanent subcommittee is presented:

By Representatives Justus, Thompson, and Kiser, Co-Chairs, for the Permanent Subcommittee on Justice and Public Safety of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

Committee Substitute for **S.B. 1262,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar of September 30.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
September 29, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute for **H.B. 534** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

Pursuant to your message that your Honorable Body adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 998,** A BILL TO BE ENTITLED AN ACT TO ENACT INTO LAW THE SOUTHERN DAIRY COMPACT, TO DIRECT THE APPOINTMENT OF MEMBERS FROM NORTH CAROLINA TO THE SOUTHERN DAIRY COMPACT COMMISSION, AND TO APPROPRIATE FUNDS, is returned for concurrence in Senate committee substitute and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Daughtry, Committee Substitute for **H.B. 1391,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1228,** A BILL TO BE ENTITLED AN ACT TO ENHANCE THE CRIMINAL PROVISIONS FOR TAX VIOLATIONS.

The Speaker rules that the bill is not a roll call measure.

The bill passes its second reading, by electronic vote (105-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1135,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS, passes its second reading, by electronic vote (109-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1280,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, passes its second reading, by electronic vote (64-43).

Representative Miller objects to the third reading. The bill remains on the Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Carpenter, Committee Substitute for **H.B. 1385,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL AND PHARMACY TECHNICIANS, TO ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS, AND TO DIRECT THE BOARD OF PHARMACY TO STUDY THE NEED FOR A TRAINING PROGRAM FOR PHARMACY TECHNICIANS, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of the Chair, the House recesses at 2:21 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 3:30 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1135, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS.

S.B. 1228, AN ACT TO ENHANCE THE CRIMINAL PROVISIONS FOR TAX VIOLATIONS.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1737, AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE AUTHORITY OF THE BOARD OF GOVERNORS WITH REGARD TO CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS PROPERTY, TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND

SERVICE CHARGE, AND TO LIMIT THE NUMBER OF YEARS STATE PROPERTY CAN BE LEASED TO NINETY-NINE YEARS. (S.L. 1998-159)

H.B. 1518, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE EAGLE SCOUT SPECIAL REGISTRATION PLATES TO EAGLE SCOUTS OR THEIR PARENTS OR GUARDIANS, TO ISSUE GIRL SCOUT GOLD AWARD SPECIAL REGISTRATION PLATES TO RECIPIENTS OF THE GIRL SCOUT GOLD AWARD OR THEIR PARENTS OR GUARDIANS, AND TO ISSUE SMALLER REGISTRATION PLATES FOR MOTORCYCLES AND MOTORCYCLE TRAILERS. (S.L. 1998-160)

H.B. 1483, AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF THE RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR REIMBURSEMENT OF CLEAN UP COSTS FROM THE NONCOMMERCIAL FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REQUIRE THAT ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL UNDERGROUND STORAGE TANK OPERATING PERMITS SUBJECT TO ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL UNDERGROUND STORAGE TANKS DO NOT APPLY

TO CERTAIN TANKS, AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS. (S.L. 1998-161)

H.B. 1318, AN ACT TO LIMIT THE NONRESIDENT WITHHOLDING REQUIREMENT TO ATHLETES AND ENTERTAINERS, TO INCREASE THE THRESHOLD REQUIREMENT FOR NONRESIDENT WITHHOLDING, AND TO PROVIDE A MECHANISM TO ENHANCE COLLECTION OF TAXES FROM NONRESIDENTS ENGAGED IN CONSTRUCTION-RELATED BUSINESSES. (S.L. 1998-162)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee and permanent subcommittee are presented:

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute for **S.B. 672,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Committee Substitute for **S.B. 307,** A BILL TO BE ENTITLED AN ACT TO UNDERTAKE THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES, with a favorable report as to

House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 940,** A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE TREASURER TO CONDUCT A STUDY OF THE PERMISSIBLE INVESTMENTS FOR LOCAL UNITS OF GOVERNMENT, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1285,** A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM. A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM.

Representative Redwine offers Amendment No. 1.

Representative McComas requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

Amendment No. 1 is adopted by electronic vote (99-1).

The bill, as amended, passes its second reading, by electronic vote (98-4), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in House committee substitute bill by Special Message.

BILLS PLACED ON CALENDAR

Pursuant to Rule 36(a), Representative Morgan places House Committee Substitute for **S.B. 307,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE, and House Committee Substitute for **S.B. 940,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FEDERAL MATCHING FUNDS FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND WASTEWATER AND WATER SUPPLY MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO APPROPRIATE FUNDS FOR CAPITAL APPROPRIATIONS FOR THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO AUTHORIZE A TRANSFER OF FUNDS TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS, TO PROVIDE FOR WATER RESOURCES DEVELOPMENT PROJECTS, TO AMEND THE CARING PROGRAM FOR CHILDREN LAW ON THE UNINSURED, AND TO PROVIDE A MENTAL HEALTH RESERVE MATCH FOR MEDICAID, on today's Calendar.

CALENDAR (continued)

House Committee Substitute for **S.B. 940,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FEDERAL MATCHING FUNDS FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND WASTEWATER AND WATER SUPPLY MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO APPROPRIATE FUNDS FOR CAPITAL APPROPRIATIONS FOR THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO AUTHORIZE A TRANSFER OF FUNDS TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS, TO PROVIDE FOR WATER RESOURCES DEVELOPMENT PROJECTS, TO AMEND THE CARING PROGRAM

FOR CHILDREN LAW ON THE UNINSURED, AND TO PROVIDE A MENTAL HEALTH RESERVE MATCH FOR MEDICAID, passes its second reading, by electronic vote (102-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute bill by Special Message.

House Committee Substitute for **S.B. 307,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE.

Representative Redwine moves that Rule 31(d) be suspended in order that he might offer an amendment that would change the title. The motion fails, by electronic vote (53-50), for lack of a two-thirds majority.

Representative Nesbitt moves that the bill be withdrawn from the Calendar and re-referred to the Committee on Appropriations. The motion fails by electronic vote (47-55).

The bill passes its second reading by electronic vote (59-43).

Representative Redwine objects to the third reading. The bill remains on the Calendar.

On motion of the Chair, the House recesses at 7:35 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of Representative Morgan, seconded by Representative Rogers, the House adjourns at 7:58 p.m. to reconvene September 30 at 2:30 p.m.

TWO HUNDRED SIXTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, September 30, 1998

The House meets at 2:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, we bow before You with hearts that are struggling to find common ground. We confess that there is partisan bickering going on. And, we know that many are concerned with the amount of time we are spending here. We contend that we argue amongst ourselves over our philosophical and ideological differences. That may, indeed, be true. But, Lord of us all, search our hearts...tease out the slivers and thorns that keep us from coming to a mutual understanding over our differences. Remove the redness and the soreness of our egotistical and political bruises that can so often keep us from resolving the peoples' problems. As we continue our conversations, may we be guided by the genuine motivation of pure hearts rather than political posturing. Let civility and integrity govern our debate. And, in the end, may we be merciful in our efforts just as You have shown mercy to each one of us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 29 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (96-0).

Leaves of absence are granted Representatives Brown, Clary, Davis, and Kiser for today. Representatives Aldridge, Fox, Luebke, Miller, Mosley, Nichols, and Warner are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 534, AN ACT TO ALLOW THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

S.B. 1285, AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER

CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 1280,** A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY, passes its third reading, by electronic vote (94-5), and is ordered sent to the Senate for concurrence in House committee substitute bill.

House Committee Substitute for **S.B. 307,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE.

On motion of Representative Howard and without objection, the bill is temporarily displaced.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 656,** A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

On motion of Representative McMahan and without objection, the bill is postponed until October 6.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **H.B. 1472,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

On motion of Representative Hill and without objection, the bill is postponed until October 6.

Committee Substitute for **S.B. 1262,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS.

Representative Neely requests that he be excused from voting on this bill under Rule 24.1A and this request is granted.

The bill passes its second reading, by electronic vote (101-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor by Special Message.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 900,** A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN, TO AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING FACILITIES TO SATISFY THIS STRICTER LIMIT, AND TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT FUND FOR LOANS, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1262, AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS.

On motion of the Chair, the House recesses at 2:50 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 7:11 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of Representative Morgan, Rule 1 is suspended, by electronic vote (85-11), in order that the House may remain in session after 9:00 p.m.

On motion of the Chair, the House recesses at 8:54 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Chair, the House recesses at 11:08 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 900,** A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN, TO AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING FACILITIES TO SATISFY THIS STRICTER LIMIT, AND TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT FUND FOR LOANS, with recommendation that the House concur.

On motion of the Chair and without objection, the Senate Committee Substitute bill is placed on today's calendar for immediate consideration.

On motion of Representative Morgan, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (104-1), and the bill is ordered enrolled and presented to the Governor by Special Message.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 900, AN ACT TO APPROPRIATE FUNDS FOR FEDERAL MATCHING FUNDS FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND WASTEWATER AND WATER SUPPLY MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO APPROPRIATE FUNDS FOR CAPITAL APPROPRIATIONS FOR THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO AUTHORIZE A TRANSFER OF FUNDS TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS, TO PROVIDE THAT IT IS THE INTENT OF THE

GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE, TO APPROPRIATE FEDERAL BLOCK GRANT FUNDS FOR THE WELFARE TO WORK FORMULA GRANT PLAN, TO PROVIDE FOR WATER RESOURCES DEVELOPMENT PROJECTS, TO AMEND THE CARING PROGRAM FOR CHILDREN STATUTE ON THE UNINSURED, AND TO PROVIDE A MENTAL HEALTH RESERVE MATCH FOR MEDICAID.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Bowie, Dockham, and McMahan, Co-Chairs, for the Permanent Subcommittee on Transportation:

Committee Substitute for **H.B. 1081,** A BILL TO BE ENTITLED AN ACT TO AMEND LAWS GOVERNING CONDEMNATION TO AUTHORIZE AWARD OF ATTORNEYS' FEES, reported to the Standing Committee on Appropriations, with an indefinite postponement recommendation.

SUBCOMMITTEE REFERRAL

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Standing Committee on Finance, refer House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH AND PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, to the Permanent Subcommittee on Local, Regional, and State Revenues.

On motion of Representative Morgan, seconded by Representative Howard, the House adjourns at 12:03 a.m. to reconvene October 1, at 10:30 a.m.

TWO HUNDRED SEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 1, 1998

The House meets at 10:30 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Saunders.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of September 30 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (89-0).

Leaves of absence are granted Representatives Adams, Aldridge, Clary, Davis, Gray, Ives, Kiser, and Mosley for today.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute for **S.B. 307,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 672,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, passes its second reading and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Committee Substitute for **S.B. 350,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE

COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.

On motion of Representative Gardner, Committee Amendment No. 1 is adopted by electronic vote (98-0).

The bill, as amended, passes its second reading, by electronic vote (97-0), and there being no objection is read a third time.

Representative Thompson requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (98-0).

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House amendment.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 55, AN ACT TO ELIMINATE THE FEE FOR PURPLE HEART REGISTRATION PLATES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REDESIGN THE PURPLE HEART PLATE, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE TO A RECIPIENT OF THE SILVER STAR, TO A RECIPIENT OF THE BRONZE STAR, AND TO A RECIPIENT OF THE DISTINGUISHED FLYING CROSS. (S.L. 1998-163)

S.B. 1262, AN ACT TO APPROPRIATE FUNDS FOR ATTORNEYS FEES IN A CASE CHALLENGING THE 1992 CONGRESSIONAL REDISTRICTING PLAN AND TO AUTHORIZE THE TRANSFER OF FUNDS TO THE RESERVE FUND FOR THE BAILEY/EMORY/PATTON CASES REFUNDS. (S.L. 1998-164)

S.B. 1285, AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM. (S.L. 1998-165)

H.B. 900, AN ACT TO APPROPRIATE FUNDS FOR FEDERAL MATCHING FUNDS FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND WASTEWATER AND WATER SUPPLY MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO APPROPRIATE FUNDS FOR CAPITAL APPROPRIATIONS FOR THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO AUTHORIZE A TRANSFER OF FUNDS TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE, TO APPROPRIATE FEDERAL BLOCK GRANT FUNDS FOR THE WELFARE TO WORK FORMULA GRANT PLAN, TO PROVIDE FOR WATER RESOURCES DEVELOPMENT PROJECTS, TO AMEND THE CARING PROGRAM FOR CHILDREN STATUTE ON THE UNINSURED, AND TO PROVIDE A MENTAL HEALTH RESERVE MATCH FOR MEDICAID. (S.L. 1998-166)

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute for **S.B. 1274,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS AND TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, is withdrawn from the Calendar pursuant to Rule 36(a) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Justus, the House adjourns at 10:42 a.m. to reconvene Monday, October 5, 1998, at 6:00 p.m.

TWO HUNDRED EIGHTH DAY

HOUSE OF REPRESENTATIVES
Monday, October 5, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"God of Grace and God of Mercy, You and You alone can bring light out of darkness. You and You alone can break the stalemates that we create due to our ideological differences. And so, we thank You for the progress that is underway in our budget and legislative processes. We would all like to think that it was due to our political savvy, our ability to negotiate with tact and finesse that progress was made. Remind us, O God, that only You are sovereign. And, it is only by Your work of the Spirit that progress in human institution and relationship can be made. Thus, we pray to You in earnest to continue the work that You have begun. Bless our efforts. Make good our defects, and bring us at last to that place in life when in humble submission we realize that only You are God and only You are the truth and the answer to all of our needs. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 1 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Allen, Cole, Dedmon, Dickson, Ives, Kinney, Kiser, Mosley, and Sexton for today.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 672, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1594, AN ACT TO IMPOSE TEACHER CERTIFICATION FEES. (S.L. 1998-167)

S.B. 1299, AN ACT TO AMEND THE LAWS REGARDING THE WITHDRAWAL AND TRANSFER OF SURFACE WATERS AND THE STATE WATER SUPPLY PLAN. (S.L. 1998-168)

H.B. 1304, AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION. (S.L. 1998-169)

S.B. 1243, AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION. (S.L. 1998-170)

H.B. 1326, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO EXTEND THE CORPORATE INCOME TAX CARRYFORWARD FOR NET ECONOMIC LOSSES, TO CONFORM TO FEDERAL GIFT TAX TREATMENT OF CONTRIBUTIONS TO QUALIFIED TUITION PROGRAMS, AND TO CORRECT TWO REDLINING ERRORS IN 1998 TAX LEGISLATION. (S.L. 1998-171)

H.B. 1260, AN ACT TO RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT FLOODPLAIN MANAGEMENT ORDINANCES. (S.L. 1998-172)

REPORTS OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following reports from standing committee are presented:

By Representatives Daughtry and Hardy, Co-Chairs, for the Committee on Judiciary I:

H.B. 258, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE SERVED AT

HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M. WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL OCCUR AT OTHER HOURS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1042, A BILL TO BE ENTITLED AN ACT TO PROVIDE PARTIES WITH THE RIGHT TO THE PUBLICATION OF ANY OPINION ISSUED BY THE COURT OF APPEALS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1144, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL ENTER RECORDS OF SPEEDING IN SCHOOL ZONES CHARGED AS VIOLATIONS OF LOCAL ORDINANCES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1317, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1389, A BILL TO BE ENTITLED AN ACT TO DEDICATE A PORTION OF COURT COSTS TO PROVIDE ACCESS TO CIVIL JUSTICE, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1400, A BILL TO BE ENTITLED AN ACT TO RESTORE PROVISIONS THAT VICTIM AND WITNESS ASSISTANTS SHALL ONLY PROVIDE SERVICES FOR VICTIMS OF CRIME AND WITNESSES IN CRIMINAL CASES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 417,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT BIDDING AND TO PROVIDE AN ALTERNATIVE PROCEDURE FOR RESOLVING STATE CONTRACT DISPUTES, with an unfavorable report.

The bill is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 1, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute bill for **S.B. 1360** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 20,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 6.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute for **H.B. 1469,** A BILL TO BE ENTITLED AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 6.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

Representative Daughtry sends forth the Conference Report on House Committee Substitute for **S.B. 1360,** A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW AND TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 6.

CONFEREE APPOINTED

The Speaker appoints Representative Sexton as an additional conferee on House Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, and the Senate is so notified by Special Message.

On motion of Representative Morgan, seconded by Representative Thompson, the House adjourns at 6:12 p.m. to reconvene Tuesday, October 6 at 3:30 p.m.

TWO HUNDRED NINTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 6, 1998

The House meets at 3:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, from the dust of the earth You created us and from Your very own breath, You breathed into us the breath of life. Lord, we thank You for this marvelous gift of life that we share.

"From the struggles of the very first earthly family to all of the political establishments that followed, You brought order out of chaos and put forth a plan where the concerns of Your people would be heard. Lord, we thank You for this marvelous gift of life that we share.

"From the dawning of time when You established that only You were God, even the most faithful of our ancestors sought ways to usurp Your authority and take charge over Your creation. But, as time passes each of us by, we must each come to the realization that it is not nations, nor governments, no, it is not even us, rather it is You alone who rules the world. Lord, we thank You for this marvelous gift of life that we share.

"As we humble ourselves and our efforts before Your holiness and before Your watchful eye, empower us as a body of leaders to unite our efforts and bring to light and life all that is necessary to bring wholeness to Your people. Lord, we thank You for this marvelous gift of life that we share. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 5 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (94-0).

Leaves of absence are granted Representatives Adams, Boyd-McIntyre, Culpepper, Dickson, Kiser, and Mosley for today.

CONFERENCE REPORT

Representative Barbee moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1360

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1360, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW AND TO PROVIDE THAT A MAJORITY OF MEMBERS OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE ELECTED IN 1998, Third Edition Engrossed 8/13/98, submit the following report:

The Senate concurs in the House Committee Substitute, Third Edition Engrossed 8/13/98 with the following amendments:

(1) On page 1, lines 2 through 5, rewrite those lines to read: "AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW.";

(2) On page 1, line 7, delete that line;

(3) On page 1, line 8, and page 6, lines 23 and 27, renumber the sections as Sections 1 through 3;

(4) On page 6 line 28, through page 7, line 13, rewrite those lines to read:

"Section 4. This act applies only to Union County.

Section 5. This act is effective when it becomes law."

The House agrees to the same

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: September 29, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Aaron W. Plyler, Chairman	S/ Bobby H. Barbee, Sr. Chair
S/ John H. Carrington	S/ C. D. Allred
S/ Jeanne H. Lucas	S/ Dennis A. Reynolds
S/ William R. Purcell	S/ N. Leo Daughtry

The Conference Report, which changes the title, is adopted, by electronic vote (102-0), and the Senate is so notified by Special Message.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1280, AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY.

S.B. 1291, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS.

CHAPTERED BILL

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 672, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (S.L. 1998-173)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representatives Eddins, Hill, and Watson, Co-Chairs, for the Committee on Environment:

H.B. 788, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ISSUANCE OF NEW SHELLFISH CULTIVATION LEASES IN PARTS OF CORE SOUND, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 974, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PHASING OUT OF ANAEROBIC LAGOONS AS THE PRIMARY MEANS OF TREATING OR DISPOSING OF ANIMAL WASTE, TO AUTHORIZE THE USE OF CLEAN WATER MANAGEMENT TRUST FUNDS FOR COST SHARE FUNDS TO ASSIST THE CONVERSION TO OTHER ANIMAL WASTE MANAGEMENT TECHNOLOGIES, AND TO MAKE OTHER CHANGES TO THE ANIMAL WASTE MANAGEMENT LAW TO BETTER PROTECT WATER QUALITY, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representative Ellis for the Committee on Local and Regional Government I:

Senate Committee Substitute for **H.B. 1114,** A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM, with recommendation that the House concur.

The bill is placed on the Calendar of October 7.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 20,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS

On motion of Representative McMahan, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (102-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute for **H.B. 1469,** A BILL TO BE ENTITLED AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES.

On motion of Representative Sherrill, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (107-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, TO TEMPORARILY REINSTATE A PROPERTY TAX EXEMPTION FOR CERTAIN NONPROFIT RETIREMENT FACILITIES, AND TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY PROPERTY TAX EXEMPTIONS FOR NONPROFIT ENTITIES.

Representative Brawley offers Amendment No. 1 which is adopted by electronic vote (108-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert,

Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Adams, Boyd-McIntyre, Culpepper, Dickson, Kiser, and Mosley - 6.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 801,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 108.

Voting in the negative: None.

Excused absences: Representatives Adams, Boyd-McIntyre, Culpepper, Dickson, Kiser, and Mosley - 6.

House Committee Substitute for **S.B. 656,** A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

Representative McMahan offers Amendment No. 1 which is adopted by electronic vote (107-1).

The bill, as amended, passes its second reading, by electronic vote, (105-1).

Representative Michaux objects to the third reading. The bill remains on the Calendar.

Committee Substitute for **H.B. 1472,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, passes its second reading, by electronic vote (107-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate.

On motion of Representative Morgan, seconded by Representative Hardaway, the House adjourns at 4:02 p.m. to reconvene Wednesday, October 7, at 2:00 p.m.

TWO HUNDRED TENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 7, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal and Omnipotent God, in the midst of our lives, we constantly search for ways to become masters of our own destinies. Many times, we are willing to turn everything inside out in a desperate attempt to do things 'our' way. All too often, we behave in this manner with little or no thought of Your divine oversight over our lives. We confess that all of us are guilty of forgetting that You are the One who is ultimately in charge and able to bring clarity and discernment to our lives and circumstances. God, give us the courage and the strength to reject the inner voice that compels us to think and act before we have taken the time to seek Your decisions for us. Allow us to see, if even just a glimpse, the power and the sovereignty that You hold over us and over all of Your beautiful creation. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 6 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (82-0).

Leaves of absence are granted Representatives Barefoot, Dickson, Hackney, Hill, Luebke, Mosley, and Warner for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 20, AN ACT TO INCREASE TO SEVEN PERCENT THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS.

H.B. 1469, AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES AND TO MAKE CHANGES TO THE EMPLOYEE INCENTIVE BONUS PROGRAM.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 1360, AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittee are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

House Committee Substitute for **S.B. 809,** A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT,

with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

House Committee Substitute for **S.B. 1274,** A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AND TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Representative Morgan reports the following bills with an indefinite postponement report:

Committee Substitute for **H.B. 9,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUES OF MOTOR VEHICLE SAFETY INSPECTION, MOTORCYCLE HELMET LAWS, SPECIAL REGISTRATION PLATES, AND PUBLIC VERSUS PRIVATE TRANSPORTATION SYSTEMS;

H.B. 25, A BILL TO BE ENTITLED TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CONSUMER PROTECTION ISSUES;

H.B. 26, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE LP GAS STATUTE;

H.B. 40, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF WATER ISSUES;

H.B. 47, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF ISSUES RELATED TO THE ENFORCEMENT OF THE BUILDING

CODE AND QUALIFICATIONS OF CODE ENFORCEMENT OFFICIALS;

H.B. 50, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY DOWNTOWN REVITALIZATION;

H.B. 56, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES;

H.B. 58, A BILL TO BE ENTITLED AN ACT TO CREATE A STATUTORY REVENUE LAWS STUDY COMMITTEE;

H.B. 82, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION;

H.B. 83, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO PROVIDE FUNDS FOR EDUCATIONAL PURPOSES;

Committee Substitute for **H.B. 85,** A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT;

H.B. 98, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CEMETERY COMMISSION AND THE REGULATION OF CEMETERIES IN THIS STATE AND TO APPROPRIATE FUNDS FOR THE STUDY;

H.J.R. 107, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF THE GUARDIAN AD LITEM PROGRAM;

Senate Committee Substitute for **H.B. 116,** A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY;

H.B. 117, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION ENERGY CONSERVATION COMMITTEE;

H.B. 129, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOTOR VEHICLE ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO TRANSFER THE DUTIES OF THE ENFORCEMENT SECTION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO THE MOTOR VEHICLE ENFORCEMENT DIVISION, AND TO GRANT THE ENFORCEMENT OFFICERS OF THE MOTOR VEHICLE ENFORCEMENT DIVISION THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR ASSISTANCE;

H.J.R. 163, A JOINT RESOLUTION AUTHORIZING A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF THE PROCESS AND REQUIREMENTS FOR INCORPORATION OF NEW MUNICIPALITIES;

H.R. 172, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA;

Committee Substitute for **H.B. 182,** A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM PRIOR RECORD LEVEL CALCULATIONS CERTAIN PRIOR CONVICTIONS THAT ARE OVER TEN YEARS OLD;

Committee Substitute for **H.B. 199,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF THE LAW RELATING TO LIENS DUE MEDICAL PROVIDERS FOR MEDICAL SERVICES PROVIDED AND THE LAW RELATING TO ASSIGNMENTS OF PROCEEDS;

Committee Substitute for **H.B. 224,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS

SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

Senate Committee Substitute for **H.B. 238,** A BILL TO BE ENTITLED AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENT VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 253, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO STUDY ISSUES RELATING TO PUBLIC SHELLFISHING AND THE SHELLFISH LEASING PROGRAM;

Committee Substitute for **H.B. 257,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STUDY OF WAYS TO INCREASE RAIL SERVICE TO THE STATE'S PORTS AND ADJOINING COMMUNITIES, INCLUDING INCENTIVES FOR RAILROADS TO INCREASE SERVICE TO THE STATE'S PORTS;

H.B. 263, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE INDEPENDENT STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES;

Senate Committee Substitute for **H.B. 269,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC.;

H.B. 270, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHANIA;

H.B. 290, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON ELECTRONIC COMMERCE;

H.B. 292, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES;

H.B. 297, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO PROVIDE FUNDS FOR INFRASTRUCTURE IMPROVEMENTS;

H.R. 310, A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PASSAGE OF THE BALANCED BUDGET AMENDMENT;

Committee Substitute for **H.B. 321,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE LAW PROHIBITING HUNTING ON SUNDAY;

H.J.R. 322, A JOINT RESOLUTION TO CREATE AN INDEPENDENT REDISTRICTING COMMISSION TO PREPARE A PLAN FOR NORTH CAROLINA'S CONGRESSIONAL DISTRICTS FOR THE 1998 ELECTIONS AND TO PROVIDE THAT THAT PLAN WILL BE VOTED ON BY THE GENERAL ASSEMBLY WITHOUT AMENDMENT;

H.B. 339, A BILL TO BE ENTITLED AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO RECALL THE MAYOR AND CITY COUNCIL;

H.B. 356, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NONBANKING CONSUMER INDUSTRIES REGULATED BY THE OFFICE OF THE COMMISSIONER OF BANKS;

H.B. 378, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HIGH POINT TO DELEGATE ZONING POWERS TO THE HIGH POINT PLANNING AND ZONING COMMISSION;

Committee Substitute for **H.B. 382,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOBBYISTS MAY NOT GIVE TO CANDIDATES FOR CERTAIN OFFICES AT ANY TIME;

H.B. 387, A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION;

H.B. 390, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HIGH POINT TO DELEGATE ZONING POWERS TO THE HIGH POINT PLANNING AND ZONING COMMISSION;

H.B. 393, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND OTHER PURPOSES;

H.B. 396, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES;

H.B. 397, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND OTHER PURPOSES;

H.B. 403, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND OTHER PURPOSES;

H.B. 413, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WELFARE REFORM ACT OF 1997;

H.B. 416, A BILL TO BE ENTITLED AN ACT REGARDING CATAWBA COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

Committee Substitute No. 2 for **H.B. 417,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY AND MADISON COUNTY TO IMPOSE A CHARGE ON THE BUSINESS OF PROVIDING RIVER RAFTING IN THE COUNTY;

H.B. 419, A BILL TO BE ENTITLED AN ACT REGARDING BURKE COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 422, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES;

H.B. 423, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND OTHER PURPOSES;

H.B. 438, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF STOKES COUNTY;

H.B. 439, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF STOKES COUNTY;

H.B. 440, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF SURRY COUNTY;

H.B. 441, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ALLEGHANY COUNTY;

H.B. 442, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ALLEGHANY COUNTY;

H.B. 443, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ASHE COUNTY;

H.B. 444, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF ASHE COUNTY;

H.B. 445, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF WATAUGA COUNTY;

H.B. 446, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF WATAUGA COUNTY;

H.B. 459, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS AND AUTHORITY OF THE NORTH CAROLINA NATIONAL GUARD;

H.J.R. 498, A JOINT RESOLUTION HONORING THE MEMORY OF COLONEL HENRY ELI KENDALL, JR., FOR HIS COMMITMENT TO CONSERVATIVE AND EFFECTIVE UTILIZATION OF PUBLIC

FUNDS DURING HIS SERVICE AS CHAIR OF THE EMPLOYMENT SECURITY COMMISSION, AND REQUESTING CONGRESS TO DEVOLVE THE UNEMPLOYMENT INSURANCE SYSTEM TO STATE CONTROL;

H.B. 503, A BILL TO BE ENTITLED AN ACT RELATING TO GATES COUNTY;

H.B. 504, A BILL TO BE ENTITLED AN ACT RELATING TO BERTIE COUNTY;

H.B. 505, A BILL TO BE ENTITLED AN ACT RELATING TO NORTHAMPTON COUNTY;

Committee Substitute for **H.B. 513,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY SAFETY REGULATIONS AND EDUCATION RELATED TO THE OPERATION OF MOTORIZED PLEASURE VESSELS AND PERSONAL WATERCRAFT;

H.B. 519, A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY (1) AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, (2) APPROPRIATING FUNDS FOR GRANTS FOR REGIONAL WATER SUPPLY SYSTEM PLANNING, AND (3) EARMARKING A PORTION OF GENERAL FUND INVESTMENT EARNINGS FOR GRANTS FOR NATURAL GAS EXPANSION;

H.B. 550, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS;

H.B. 567, A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY;

H.B. 571, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCOTLAND COUNTY;

H.B. 572, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STORM HAZARD MITIGATION;

H.B. 595, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS;

H.B. 601, A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL GOVERNMENT;

H.B. 602, A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL GOVERNMENT;

H.B. 605, A BILL TO BE ENTITLED AN ACT TO EXEMPT ATTORNEYS WHO HOLD ACTIVE LAW LICENSES IN THIS STATE FROM THE CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS;

H.B. 606, A BILL TO BE ENTITLED AN ACT RELATING TO JONES COUNTY;

H.B. 607, A BILL TO BE ENTITLED AN ACT RELATING TO LENOIR COUNTY;

H.B. 608, A BILL TO BE ENTITLED AN ACT RELATING TO PAMLICO COUNTY;

H.B. 609, A BILL TO BE ENTITLED AN ACT RELATING TO CRAVEN COUNTY;

H.B. 619, A BILL TO BE ENTITLED AN ACT RELATING TO THE HAYWOOD COUNTY TOURISM DEVELOPMENT AUTHORITY;

H.B. 621, A BILL TO BE ENTITLED AN ACT RELATING TO DAVIE COUNTY;

H.B. 622, A BILL TO BE ENTITLED AN ACT RELATING TO DAVIE COUNTY;

H.B. 625, A BILL TO BE ENTITLED AN ACT RELATING TO ONSLOW COUNTY;

H.B. 630, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF THE TOWN OF KERNERSVILLE;

H.B. 632, A BILL TO BE ENTITLED AN ACT RELATING TO THE 84TH DISTRICT OF THE HOUSE OF REPRESENTATIVES;

Committee Substitute for **H.B. 634,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION;

H.B. 634, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF NORTH CAROLINA;

H.B. 644, A BILL TO BE ENTITLED AN ACT TO RESTORE THE NAME OF HALIFAX STREET TO A STATE GOVERNMENT MALL THAT OCCUPIES ITS FORMER ROUTE;

H.B. 647, A BILL TO BE ENTITLED AN ACT REGARDING ROCKINGHAM COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 648, A BILL TO BE ENTITLED AN ACT MODIFYING THE LAWS OF NORTH CAROLINA;

H.B. 650, A BILL TO BE ENTITLED AN ACT RELATING TO THE 53RD HOUSE OF REPRESENTATIVES DISTRICT;

H.B. 657, A BILL TO BE ENTITLED AN ACT REGARDING ALAMANCE COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 658, A BILL TO BE ENTITLED AN ACT REGARDING ORANGE COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 659, A BILL TO BE ENTITLED AN ACT REGARDING CASWELL COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 669, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 686, A BILL TO BE ENTITLED AN ACT RELATING TO COLUMBUS COUNTY;

H.B. 689, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ANSON COUNTY;

H.B. 690, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ANSON COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 691, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR STANLY COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 692, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR STANLY COUNTY;

H.B. 693, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MONTGOMERY COUNTY;

H.B. 694, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MONTGOMERY COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 697, A BILL TO BE ENTITLED AN ACT RELATING TO IREDELL COUNTY;

H.B. 700, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH HOUSE DISTRICT;

H.B. 702, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH DISTRICT OF THE HOUSE OF REPRESENTATIVES;

H.B. 703, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXISTING BEAR HUNTING SEASON IN CAMDEN AND PASQUOTANK COUNTIES AND TO ESTABLISH A NEW BEAR HUNTING SEASON IN CAMDEN, CHOWAN, CURRITUCK, GATES, PASQUOTANK, AND WASHINGTON COUNTIES;

Committee Substitute for **H.B. 707,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OPTIONS FOR PUPIL ASSIGNMENT WITHIN THE PUBLIC SCHOOLS;

H.B. 713, A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 714, A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY AND THE MUNICIPALITIES LOCATED IN THAT COUNTY;

H.B. 715, A BILL TO BE ENTITLED AN ACT RELATING TO SCOTLAND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 720, A BILL TO BE ENTITLED AN ACT RELATING TO HYDE COUNTY;

H.B. 721, A BILL TO BE ENTITLED AN ACT RELATING TO PITT COUNTY;

H.B. 723, A BILL TO BE ENTITLED AN ACT RELATING TO HYDE COUNTY;

H.B. 724, A BILL TO BE ENTITLED AN ACT RELATING TO BEAUFORT COUNTY;

H.B. 725, A BILL TO BE ENTITLED AN ACT RELATING TO CRAVEN COUNTY;

H.B. 726, A BILL TO BE ENTITLED AN ACT RELATING TO HYDE COUNTY;

H.B. 727, A BILL TO BE ENTITLED AN ACT RELATING TO CRAVEN COUNTY;

H.B. 728, A BILL TO BE ENTITLED AN ACT RELATING TO HYDE COUNTY;

H.B. 729, A BILL TO BE ENTITLED AN ACT RELATING TO BEAUFORT COUNTY;

H.B. 730, A BILL TO BE ENTITLED AN ACT RELATING TO PITT COUNTY;

H.B. 731, A BILL TO BE ENTITLED AN ACT RELATING TO BEAUFORT COUNTY;

H.B. 732, A BILL TO BE ENTITLED AN ACT RELATING TO BEAUFORT COUNTY;

H.B. 737, A BILL TO BE ENTITLED AN ACT RELATING TO DAVIDSON COUNTY;

H.B. 744, A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY;

H.B. 755, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY;

H.B. 756, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY;

H.B. 757, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE NORTHEASTERN NORTH CAROLINA ECONOMIC DEVELOPMENT COMMISSION SO THAT ALL SIXTEEN COUNTIES OF THE REGION ARE REPRESENTED ON THE COMMISSION;

Committee Substitute for **H.B. 760,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO;

H.B. 776, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HALIFAX COUNTY;

Committee Substitute No. 2 for **H.B. 777,** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN NONCONTIGUOUS PROPERTY, PROHIBITING THE CITY FROM RESTRICTING RECREATIONAL USES OF MOSS LAKE, AND REQUIRING THE CITY TO CREATE AN AUTHORITY TO ADDRESS ISSUES RELATED TO MOSS LAKE;

H.B. 778, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO EXTEND ITS EXTRATERRITORIAL JURISDICTION TWO MILES FROM ITS CITY LIMITS;

H.B. 780, A BILL TO BE ENTITLED AN ACT RELATING TO VANCE COUNTY;

H.B. 781, A BILL TO BE ENTITLED AN ACT RELATING TO PERSON COUNTY;

H.B. 782, A BILL TO BE ENTITLED AN ACT RELATING TO WARREN COUNTY;

H.B. 783, A BILL TO BE ENTITLED AN ACT RELATING TO GRANVILLE COUNTY;

H.B. 784, A BILL TO BE ENTITLED AN ACT RELATING TO FRANKLIN COUNTY;

H.B. 785, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROANOKE RAPIDS;

H.B. 793, A BILL TO BE ENTITLED AN ACT RELATING TO JOHNSTON COUNTY;

H.B. 799, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO DUPLIN COUNTY;

H.B. 800, A BILL TO BE ENTITLED AN ACT RELATING TO DUPLIN COUNTY;

H.B. 801, A BILL TO BE ENTITLED AN ACT RELATING TO DUPLIN COUNTY;

Committee Substitute for **H.B. 808,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CARY TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES AND SHRUBS WITHIN THE CITY AND AREAS WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION;

H.B. 815, A BILL TO BE ENTITLED AN ACT RELATING TO CHOWAN COUNTY;

H.B. 818, A BILL TO BE ENTITLED AN ACT RELATING TO DARE COUNTY;

H.B. 819, A BILL TO BE ENTITLED AN ACT RELATING TO PERQUIMANS COUNTY;

H.B. 820, A BILL TO BE ENTITLED AN ACT RELATING TO TYRRELL COUNTY;

H.B. 821, A BILL TO BE ENTITLED AN ACT RELATING TO WASHINGTON COUNTY;

H.B. 824, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS;

H.B. 829, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR CUMBERLAND COUNTY;

H.B. 830, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR CUMBERLAND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

Senate Committee Substitute for **H.B. 832,** A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES;

H.B. 837, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY;

H.B. 838, A BILL TO BE ENTITLED AN ACT RELATING TO NEW HANOVER COUNTY;

H.B. 839, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NAVASSA;

H.B. 840, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILMINGTON;

H.B. 846, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF DENTON;

H.B. 850, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS;

H.B. 862, A BILL TO BE ENTITLED AN ACT TO LIMIT THE CITY OF FAYETTEVILLE'S SPENDING ON DOWNTOWN REVITALIZATION, SUBJECT TO A REFERENDUM;

H.B. 875, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY;

H.B. 876, A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY;

H.B. 882, A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 884, A BILL TO BE ENTITLED AN ACT RELATING TO GUILFORD COUNTY AND THE MUNICIPALITIES IN THAT COUNTY;

H.B. 889, A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY;

H.B. 901, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS;

H.B. 909, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DOMESTIC VIOLENCE STUDY COMMISSION;

H.B. 918, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO PROVIDE FUNDS FOR EDUCATIONAL PURPOSES AND INFRASTRUCTURE NEEDS;

H.B. 921, A BILL TO BE ENTITLED AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY BICYCLE SAFETY;

H.B. 934, A BILL TO BE ENTITLED AN ACT TO ADOPT AN OFFICIAL STATE FRUIT;

H.B. 944, A BILL TO BE ENTITLED AN ACT TO AMEND, FOR THE PURPOSE OF PROTECTING THE HEALTH, SAFETY, AND WELFARE OF COUNTY CITIZENS, THE ZONING LAWS IN ORDER TO CLARIFY THE AUTHORITY OF COUNTIES TO REGULATE SWINE OPERATIONS BY ORDINANCE AND TO IMPROVE THE SWINE FARM SITING ACT WITH RESPECT TO THE NOTICE

REQUIREMENTS AND THE SITING LIMIT FROM AN OCCUPIED RESIDENCE;

H.B. 955, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION;

H.B. 965, A BILL TO BE ENTITLED AN ACT RELATING TO MARINE FISHERIES AND COASTAL RESOURCES;

H.B. 985, A BILL TO BE ENTITLED AN ACT TO DIRECT THE PUBLIC HEALTH STUDY COMMISSION TO STUDY CHILDREN'S ACCESS TO HEALTH CARE;

Senate Committee Substitute for **H.B. 998,** A BILL TO BE ENTITLED AN ACT TO ENACT INTO LAW THE SOUTHERN DAIRY COMPACT, TO DIRECT THE APPOINTMENT OF MEMBERS FROM NORTH CAROLINA TO THE SOUTHERN DAIRY COMPACT COMMISSION, AND TO APPROPRIATE FUNDS;

H.B. 1002, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES PERTAINING TO THE QUALITY AND EFFECTIVENESS OF EDUCATION PROVIDED AT SCHOOLS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES;

H.B. 1017, A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATEWIDE VOTING TO ELECT MEMBERS OF THE BOARD OF MORTUARY SCIENCE AND TO ALLOW THE MEMBERS OF THE FUNERAL DIRECTORS & MORTICIANS ASSOCIATION OF NORTH CAROLINA, INC., AND THE NORTH CAROLINA FUNERAL DIRECTORS ASSOCIATION, INC., TO ELECT MEMBERS OF THEIR ASSOCIATIONS TO SERVE ON THE BOARD;

H.B. 1018, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OPERATIONS OF THE COOPERATIVE EXTENSION SERVICE;

H.B. 1021, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WASTEWATER SYSTEMS PERMITS STUDY COMMISSION;

Senate Committee Substitute for **H.B. 1023,** A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE;

H.B. 1029, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DENTAL EXAMINATION PILOT PROGRAM;

H.B. 1034, A BILL TO BE ENTITLED AN ACT CONCERNING RESTRUCTURING OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION;

Committee Substitute for **H.B. 1035,** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF PROVIDING FOR RETIREMENT BY LAW ENFORCEMENT OFFICERS WITH UNREDUCED BENEFITS AFTER TWENTY YEARS OF SERVICE, REGARDLESS OF AGE;

Committee Substitute for **H.B. 1036,** A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF RESTRICTING ENTITLEMENT TO COUNSEL OF INDIGENT PERSONS TO THOSE INSTANCES IN WHICH THE FEDERAL COURTS HAVE INTERPRETED THE UNITED STATES CONSTITUTION TO REQUIRE THE APPOINTMENT OF COUNSEL;

H.B. 1038, A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATEWIDE VOTING TO ELECT MEMBERS OF THE BOARD OF PHARMACY AND TO ALLOW THE GENERAL ASSEMBLY TO APPOINT MEMBERS TO THE BOARD;

H.B. 1040, A BILL TO BE ENTITLED AN ACT TO LICENSE ENVIRONMENTAL MANAGEMENT PROFESSIONALS;

H.B. 1047, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON INFORMATION TECHNOLOGY;

H.B. 1048, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COCK FIGHTING;

H.B. 1053, A BILL TO BE ENTITLED AN ACT TO STOP THE FLOW OF CORPORATE POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA;

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED STATUTES;

Committee Substitute for **H.B. 1072,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY STUDENT DISCIPLINE AND METHODS TO INCREASE PARENTAL INVOLVEMENT;

H.B. 1073, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE TITLE APPLICATIONS AND FEES TO THE STATE;

H.B. 1083, A BILL TO BE ENTITLED AN ACT TO TRANSFER THREE MILLION DOLLARS FROM THE HIGHWAY TRUST FUND TO THE HIGHWAY FUND, TO BE USED FOR SPOT SAFETY IMPROVEMENTS AND MAINTENANCE OF THE STATE'S HIGHWAYS;

H.J.R. 1101, A JOINT RESOLUTION TO LET THE PROFESSIONAL EDUCATORS OF THIS STATE KNOW THAT THEY HAVE THE COMPLETE SUPPORT OF THE GENERAL ASSEMBLY IN THEIR EFFORTS TO MAINTAIN ORDER AND DISCIPLINE IN THE CLASSROOM;

H.B. 1104, A BILL TO BE ENTITLED AN ACT TO REQUIRE HIGHWAY RIGHT-OF-WAY PLANS RECORDED WITH A REGISTER OF DEEDS TO COMPLY WITH RECOGNIZED LAND SURVEYING STANDARDS;

H.B. 1105, A BILL TO BE ENTITLED AN ACT RELATING TO DIRECT CONTRACT PLANS BETWEEN AN EMPLOYER AND THE HEALTH CARE PROVIDER;

H.B. 1111, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM;

H.B. 1117, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE TEACHING OF STANDARD AMERICAN ENGLISH TO AFRICAN-AMERICAN STUDENTS;

H.B. 1119, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE STATUTES TO REVISE THE LAW GOVERNING COASTAL INSURANCE COVERAGE;

Committee Substitute for **H.B. 1125,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF ALLOWING CERTAIN MORTGAGE BANKERS TO MAKE HOME LOANS AND TO CHARGE FEES RELATED TO THOSE LOANS;

H.B. 1127, A BILL TO BE ENTITLED AN ACT TO ENACT THE CUSTOMER CHOICE IN ELECTRICITY ACT, WHICH REQUIRES THE UTILITIES COMMISSION TO INITIATE A PROCEEDING TO RESTRUCTURE THE ELECTRIC UTILITY INDUSTRY, REQUIRES CERTAIN ELECTRIC UTILITIES TO FILE WITH THE UTILITIES COMMISSION RESTRUCTURING PLANS PROVIDING FOR CUSTOMER CHOICE, PROVIDES THAT ALL RETAIL CUSTOMERS SHALL BE PERMITTED TO CHOOSE THEIR ELECTRICITY SUPPLIERS BY A DATE CERTAIN, REQUIRES CERTAIN ELECTRIC UTILITIES TO SEPARATE GENERATION ASSETS AND OPERATIONS FROM TRANSMISSION AND DISTRIBUTION ASSETS AND OPERATIONS, REQUIRES CERTAIN ELECTRIC UTILITIES TO PROVIDE OPEN ACCESS TO THEIR TRANSMISSION AND DISTRIBUTION FACILITIES, REQUIRES THE UTILITIES COMMISSION TO ENSURE THAT RELIABLE AND SAFE ELECTRIC SERVICE IS MAINTAINED OR IMPROVED, PROVIDES FOR A SYSTEM BENEFITS CHARGE TO FUND RENEWABLE ENERGY RESOURCES, ENERGY EFFICIENCY, AND LOW-INCOME ENERGY ASSISTANCE, ALLOWS ELECTRIC UTILITIES TO RECOVER A PORTION OF THEIR STRANDED COSTS, AMENDS THE GENERAL STATUTES TO REMOVE PERSONS GENERATING ELECTRICITY FROM THE DEFINITION OF PUBLIC UTILITIES, AND PROVIDES FOR OTHER RELATED MATTERS;

H.B. 1133, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT;

H.B. 1134, A BILL TO BE ENTITLED AN ACT RELATING TO LOW-LEVEL RADIOACTIVE WASTE OR UTILITIES;

Senate Committee Substitute for **H.B. 1135,** A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE

AND REWARD THE COST-SAVING INITIATIVE AND INNOVATIONS OF STATE EMPLOYEES;

Committee Substitute for **H.B. 1136,** A BILL TO BE ENTITLED AN ACT TO REVISE THE STATE BOARD OF COMMUNITY COLLEGE ELECTION AND TO REVISE THE ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR COMMUNITY COLLEGES;

Committee Substitute for **H.B. 1139,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON RURAL INFRASTRUCTURE NEEDS;

H.R. 1160, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF GOVERNORS;

H.J.R. 1165, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CONFLICT OF INTEREST ISSUES RELATING TO PUBLIC OFFICIALS;

H.J.R. 1175, A JOINT RESOLUTION DECLARING THE MONTH OF NOVEMBER TO BE AGRICULTURE AWARENESS MONTH;

H.B. 1177, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON SMALL BUSINESS DEVELOPMENT;

H.B. 1182, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STUDY OF THE NONINSTRUCTIONAL DUTIES OF TEACHERS;

H.J.R. 1192, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FUTURE OF THE COURTS IN NORTH CAROLINA;

H.B. 1195, A BILL TO BE ENTITLED AN ACT TO ASSIST BUSINESS, INDUSTRY, AGRICULTURE, AND LOCAL GOVERNMENT IN ATTAINING CLEANER AIR, WATER, AND LAND RESOURCES BY CREATING AND FUNDING THE ENVIRONMENTAL IMPACTS STUDY COMMISSION, WHICH SHALL IDENTIFY AND PRIORITIZE SOURCES OF ENVIRONMENTAL POLLUTION AND IDENTIFY TECHNOLOGIES

AND METHODOLOGIES TO REDUCE THE ADVERSE ENVIRONMENTAL IMPACTS OF ACTIVITIES OF THESE SECTORS;

H.B. 1197, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A STUDY OF THE ESTABLISHMENT OF A STATEWIDE REGISTRY OF PERSONS WHO HAVE EXECUTED LIVING WILLS AND WHO HAVE CONSENTED TO BE ORGAN DONORS, AND TO APPROPRIATE FUNDS THEREFOR;

H.J.R. 1201, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE AS A REGISTERED SANITARIAN;

H.B. 1204, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE COST OF HEALTH CARE IN NORTH CAROLINA, AND TO APPROPRIATE FUNDS THEREFOR;

H.J.R. 1205, A JOINT RESOLUTION SUPPORTING THE GOALS AND MISSION OF ECONOMIC SECURITY 2000;

H.B. 1207, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY A PROCEDURE FOR REVIEW OF HEALTH CARE BILLS PRIOR TO CONSIDERATION BY THE GENERAL ASSEMBLY;

H.B. 1210, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON MINORITY WOMEN'S HEALTH;

H.B. 1219, A BILL TO BE ENTITLED AN ACT TO LICENSE ASSISTED LIVING RESIDENCE ADMINISTRATORS;

H.B. 1220, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON STUDY COMMISSION ON TEACHER SUPPLEMENTAL SALARY AND TO APPROPRIATE FUNDS TO IMPLEMENT THE STUDY;

H.B. 1221, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE NEEDS OF NORTH CAROLINA RESIDENTS FOR WHOM ENGLISH IS A SECOND LANGUAGE;

H.B. 1222, A BILL TO BE ENTITLED AN ACT TO HELP THE DEPARTMENT OF HUMAN RESOURCES, THE ADMINISTRATIVE OFFICE OF THE COURTS, LOCAL LAW ENFORCEMENT, AND SCHOOLS CREATE MORE APPROPRIATE PROGRAMS FOR JUVENILE OFFENDERS BY ESTABLISHING A LEGISLATIVE STUDY COMMISSION ON AT-RISK YOUTH;

H.B. 1228, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LEGISLATIVE REVIEW OF TAX CREDIT INCENTIVES BY SUNSETTING THE CREDITS;

H.B. 1230, A BILL TO BE ENTITLED AN ACT TO STUDY AND SUNSET CERTAIN CORPORATE AND OTHER TAX BREAKS;

H.B. 1242, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE STUDY OF CERTAIN TRUCK SAFETY RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE;

H.R. 1245, A HOUSE RESOLUTION TO PROVIDE THE VOTE HISTORY FOR EACH BILL ON THE GENERAL ASSEMBLY'S INTERNET/WORLD WIDE WEB SITE IN THE MOST COMPLETE AND USEFUL FORMAT POSSIBLE;

H.J.R. 1255, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE TO PROVIDE SCHOOL AND ACTIVITY BUSES FOR THE TRANSPORTATION NEEDS OF THE SPECIAL OLYMPICS;

H.J.R. 1257, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNING BODY OF A TAXING UNIT MAY DELAY THE ACCRUAL OF INTEREST ON CERTAIN UNPAID PROPERTY TAXES;

H.J.R. 1280, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION INVITING THE DEMOCRATIC NATIONAL COMMITTEE TO HOST ITS NEXT PRESIDENTIAL NOMINATING CONVENTION IN CHARLOTTE;

H.J.R. 1301, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERNEST BRYAN MESSER, FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.J.R. 1302, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEFF HAILEN ENLOE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.J.R. 1305, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS;

H.B. 1308, A BILL TO BE ENTITLED AN ACT REGARDING MITCHELL COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 1310, A BILL TO BE ENTITLED AN ACT REGARDING CATAWBA COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 1311, A BILL TO BE ENTITLED AN ACT REGARDING CALDWELL COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN;

H.B. 1315, A BILL TO BE ENTITLED AN ACT TO EXPAND THE WILLIAM S. LEE INVESTMENT TAX CREDIT TO INCLUDE OPERATING LEASES;

H.J.R. 1324, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.J.R. 1325, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD KIMBROUGH DAVIS, FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.B. 1344, A BILL TO BE ENTITLED AN ACT TO PROVIDE LEGISLATIVE OVERSIGHT AND REGULATION FOR THE USE OF PROCUREMENT CARDS;

H.B. 1349, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN OPTIONAL METHOD FOR FUNDING WORKERS' COMPENSATION;

H.B. 1351, A BILL TO BE ENTITLED AN ACT TO REDUCE THE UNEMPLOYMENT INSURANCE TAX RATE FOR 1999 FOR ALL EMPLOYERS WITH A POSITIVE EXPERIENCE RATING;

H.B. 1365, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON THE FUTURE OF THE COURTS TO INCREASE THE NUMBER OF JUDICIAL DIVISIONS IN THE STATE IN ORDER TO ESTABLISH PILOT JUDICIAL CIRCUITS AND EVALUATE THE CIRCUIT COURT RECOMMENDATIONS MADE BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA;

H.J.R. 1377, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT REQUIRING THAT DEFENDANTS CHARGED WITH A VIOLENT CRIME AND FOUND NOT GUILTY BY REASON OF INSANITY BE COMMITTED TO A FORENSIC UNIT OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES;

Committee Substitute for **H.B. 1385,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO DEFINE PHARMACY PERSONNEL AND PHARMACY TECHNICIANS, TO ALLOW THE BOARD OF PHARMACY TO REGISTER PHARMACY TECHNICIANS, AND TO DIRECT THE BOARD OF PHARMACY TO STUDY THE NEED FOR A TRAINING PROGRAM FOR PHARMACY TECHNICIANS;

H.B. 1387, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-THIRD HOUSE DISTRICT;

H.B. 1388, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-THIRD HOUSE DISTRICT;

H.B. 1417, A BILL TO BE ENTITLED AN ACT RELATING TO ANSON COUNTY;

H.B. 1418, A BILL TO BE ENTITLED AN ACT RELATING TO ANSON COUNTY;

H.B. 1419, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY;

H.B. 1420, A BILL TO BE ENTITLED AN ACT RELATING TO STANLY COUNTY;

H.B. 1421, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY;

H.B. 1447, A BILL TO BE ENTITLED AN ACT RELATING TO DEEP RIVER TOWNSHIP;

H.B. 1450, A BILL TO BE ENTITLED AN ACT RELATING TO RICHMOND COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.B. 1451, A BILL TO BE ENTITLED AN ACT RELATING TO MONTGOMERY COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.B. 1452, A BILL TO BE ENTITLED AN ACT RELATING TO SCOTLAND COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.B. 1454, A BILL TO BE ENTITLED AN ACT TO MAKE NECESSARY TECHNICAL CORRECTIONS TO CHAPTER 442 OF THE 1997 SESSION LAWS, "AN ACT TO ESTABLISH ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT", AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH OVERSIGHT COMMITTEE;

H.B. 1457, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR THE REGULATION OF PRIVATE PRISONS HOUSING OUT-OF-STATE INMATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE;

H.B. 1507, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-SECOND HOUSE DISTRICT;

H.B. 1509, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT;

H.B. 1510, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT;

H.B. 1511, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES IN THE NINETY-SIXTH HOUSE DISTRICT;

H.B. 1515, A BILL TO BE ENTITLED AN ACT RELATING TO THE FIFTY-SECOND HOUSE DISTRICT;

H.B. 1519, A BILL TO BE ENTITLED AN ACT RELATING TO WAKE COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.R. 1520, A HOUSE RESOLUTION AN ACT RELATING TO WAKE COUNTY AND THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.B. 1526, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM GROSS PREMIUMS TAX CERTAIN NONPROFIT INSURANCE COMPANIES PROVIDING INSURANCE ONLY TO NONPROFIT ENTITIES;

H.B. 1534, A BILL TO BE ENTITLED AN ACT RELATING TO THE TWENTY-SECOND HOUSE DISTRICT;

H.B. 1547, A BILL TO BE ENTITLED AN ACT DIRECTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP AN EDUCATIONAL PROGRAM FOR PARENTS WHO ARE PARTIES TO A CUSTODY OR VISITATION ACTION;

Committee Substitute for **H.B. 1558,** A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE

DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES;

H.J.R. 1559, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM CLINTON "BUCK" HARRIS JR., FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.B. 1571, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN BEAUFORT COUNTY;

H.B. 1572, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN BEAUFORT COUNTY;

H.B. 1573, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY;

H.B. 1574, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY;

H.B. 1575, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN HYDE COUNTY;

H.B. 1576, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN CRAVEN COUNTY;

H.B. 1577, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW IN PITT COUNTY;

H.B. 1578, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW PROVIDING FOR HUNTING AND TRAPPING OF FOXES AND RACCOONS AND THE USE OF SNARES IN TRAPPING FUR-BEARING ANIMALS IN HYDE AND BEAUFORT COUNTIES;

H.B. 1581, A BILL TO BE ENTITLED AN ACT RELATING TO BRUNSWICK COUNTY;

H.B. 1585, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LOCUST;

H.B. 1586, A BILL TO BE ENTITLED AN ACT RELATING TO STANLY COUNTY;

H.B. 1597, A BILL TO BE ENTITLED AN ACT RELATING TO NEW HANOVER COUNTY AND TO THE INCORPORATED MUNICIPALITIES IN THAT COUNTY;

H.B. 1599, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NEW HANOVER COUNTY FOR CERTAIN PUBLIC PURPOSES;

H.B. 1601, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STUDY OF THE REVENUE SOURCES OF THE NORTH CAROLINA STATE PORTS AUTHORITY AND TO CHANGE THE LAW REGARDING THE STATE PORTS AUTHORITY;

H.B. 1608, A BILL TO BE ENTITLED AN ACT RELATING TO UNION COUNTY;

H.B. 1609, A BILL TO BE ENTITLED AN ACT RELATING TO UNION COUNTY;

H.B. 1612, A BILL TO BE ENTITLED AN ACT REGARDING ROCKINGHAM COUNTY AND GOVERNMENTAL UNITS LOCATED THEREIN;

H.B. 1619, A BILL TO BE ENTITLED AN ACT RELATING TO ROCKINGHAM COUNTY;

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MERGER OF THE HALIFAX COUNTY AND WELDON CITY BOARDS OF EDUCATION;

H.B. 1641, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF ENFIELD;

H.B. 1655, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT;

H.B. 1656, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT;

H.B. 1657, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT;

H.B. 1658, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT;

H.B. 1659, A BILL TO BE ENTITLED AN ACT RELATING TO THE FORTIETH HOUSE DISTRICT;

H.B. 1662, A BILL TO BE ENTITLED AN ACT TO AMEND THE CLINTON FIREMEN'S RETIREMENT SYSTEM;

H.B. 1663, A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY;

H.B. 1664, A BILL TO BE ENTITLED AN ACT RELATING TO SAMPSON COUNTY;

H.B. 1665, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY;

H.B. 1666, A BILL TO BE ENTITLED AN ACT RELATING TO PENDER COUNTY;

H.B. 1677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS;

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS;

H.B. 1693, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEFINED CONTRIBUTION PENSION PLAN STUDY COMMISSION;

H.B. 1698, A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE SERVICES COMMISSION TO CREATE A PROGRAM BY WHICH VOLUNTEER LEGISLATORS WOULD BE AVAILABLE IN THE STATE LEGISLATIVE BUILDING BETWEEN LEGISLATIVE SESSIONS TO TALK TO GROUPS TOURING THE GENERAL ASSEMBLY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE;

H.B. 1702, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT DOT REIMBURSE THE GENERAL FUND FOR SALES AND USE TAX REVENUE THAT IS NOT REALIZED BY

THE FUND AS A RESULT OF THE DOT EXEMPTION FROM THE SALES AND USE TAX;

H.J.R. 1703, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SURVIVING CHILD OF A TESTATOR MAY DISSENT FROM THE TESTATOR'S WILL UNDER CERTAIN CIRCUMSTANCE;

H.J.R. 1708, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.B. 1713, A BILL TO BE ENTITLED AN ACT CONCERNING RECIPROCITY BETWEEN STATES AFFECTING THE STATE BUDGET;

H.B. 1724, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A COMMISSION TO STUDY THE CONTRIBUTIONS OF BLACK TROOPS FROM NORTH CAROLINA IN THE AMERICAN CIVIL WAR AND OTHER CONFLICTS AND TO DEVELOP PLANS FOR THE APPROPRIATE COMMEMORATION OF THE CONTRIBUTIONS OF THOSE TROOPS;

H.J.R. 1725, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR DOMESTIC CRIMINAL TRESPASS IF THE PERSON COMMITTING THE TRESPASS IS ARMED WITH A DEADLY WEAPON;

H.B. 1734, A BILL TO BE ENTITLED AN ACT TO REQUIRE A JUDGE PRESIDING IN A CAPITAL TRIAL TO INSTRUCT THE SENTENCING JURY REGARDING THE REVIEW OF SENTENCES OF LIFE IMPRISONMENT WITHOUT PAROLE;

H.B. 1735, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ECONOMIC DEVELOPMENT IN COLUMBUS COUNTY;

H.B. 1736, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC

INSTRUCTION FOR PROJECT CLOSE UP CONDUCTED BY NORTH CAROLINA CITIZENSHIP EDUCATION, INC.;

H.J.R. 1738, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE OR ESTABLISH CRIMINAL AND CIVIL PENALTIES FOR THE OFFENSES OF SELLING DRUGS TO A MINOR, HIRING OR INTENTIONALLY USING A MINOR TO COMMIT A DRUG LAW VIOLATION, AND PURCHASING OR RECEIVING DRUGS FROM A MINOR;

H.B. 1743, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THERE ARE COMPETITIVE PRICES FOR STUDENT TEXTBOOKS AND OTHER EDUCATIONAL MATERIALS AND TO AMEND THE LAW DIRECTLY AND PRIMARILY AFFECTING THE STATE BUDGET FOR FISCAL YEAR 1998-99;

H.B. 1744, A BILL TO BE ENTITLED AN ACT TO IMPOSE LIABILITY ON THOSE WHO TRANSMIT UNSOLICITED ITEMS OF ELECTRONIC MAIL THAT INCLUDE ADVERTISEMENTS (SPAM);

H.B. 1745, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS;

H.B. 1747, A BILL TO BE ENTITLED AN ACT TO SAY THAT THE JUDICIAL BRANCH SHALL NOT IMPOSE ON THE LEGISLATIVE OR EXECUTIVE BRANCHES OF GOVERNMENT A STRICTER TIMETABLE FOR COMPLIANCE WITH AN ORDER OF THE COURT THAN THE JUDICIAL BRANCH TOOK TO RESOLVE THE CASE FROM FILING OF THE CASE TO THE FINAL ORDER;

H.B. 1749, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLES STATUTES;

H.B. 1752, A BILL TO BE ENTITLED AN ACT TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM MAKING TRAFFIC STOPS AT NIGHT IN UNMARKED VEHICLES;

H.J.R. 1753, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KENNETH R. WILLIAMS, ONE OF WINSTON-SALEM'S MOST PROMINENT CITIZENS;

H.J.R. 1756, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GUS NICKOLAS ECONOMOS, FORMER MEMBER OF THE GENERAL ASSEMBLY;

H.J.R. 1759, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION HONORING LILLIAN E. CLEMENT, THE FIRST WOMAN TO SERVE IN THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE SIXTIETH ANNIVERSARY OF THE NATIONAL FOUNDATION FOR WOMEN LEGISLATORS; and

H.J.R. 1764, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES M. POYNER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

The bills are placed on the Unfavorable Calendar.

By Representatives Gray, Brawley, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 1554,** A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES, with a favorable report as to House Committee Substitute Bill No. 2, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

By Representative Hill for the Permanent Subcommittee on Local, Regional, and State Revenues of the Standing Committee on Finance, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH AND PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, with a favorable report.

Pursuant to Rule 36(a), the bill is placed on the Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, is returned for concurrence in Senate amendment and placed on the Calendar of October 8.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1114,** A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM.

On motion of Representative Ellis, and without objection, consideration of the bill is postponed until October 8.

House Committee Substitute for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, TO TEMPORARILY REINSTATE A PROPERTY TAX EXEMPTION FOR CERTAIN NONPROFIT RETIREMENT FACILITIES, AND TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY PROPERTY TAX EXEMPTIONS FOR NONPROFIT ENTITIES.

On motion of Representative Allred, the bill is temporarily displaced.

House Committee Substitute No. 2 for **S.B. 801,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 107.

Voting in the negative: None.

Excused absences: Representatives Barefoot, Dickson, Hackney, Hill, Luebke, Mosley, and Warner - 7.

House Committee Substitute for **S.B. 656,** A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

The bill, as amended, passes its third reading, by electronic vote (107-0), and is ordered engrossed and sent to the Senate for concurrence in House committee substitute bill by Special Message.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 1150,** A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY

PURPOSES, passes its second reading, by electronic vote (104-3), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1287,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING HEALTH CARE POWERS OF ATTORNEY AND ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT BASED ON RECOMMENDATIONS OF THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE, passes its second reading, by electronic vote (106-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House committee substitute bill.

House Committee Substitute for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, TO TEMPORARILY REINSTATE A PROPERTY TAX EXEMPTION FOR CERTAIN NONPROFIT RETIREMENT FACILITIES, AND TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY PROPERTY TAX EXEMPTIONS FOR NONPROFIT ENTITIES, which was temporarily displaced is before the Body.

On motion of Representative Allred, Rule 31(d) is suspended, by electronic vote (87-17), in order that he might offer an amendment that would change the title.

Amendment No. 2 is adopted by electronic vote (107-0). This amendment changes the title and the bill remains on the Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

Senate Committee Substitute for **H.B. 1114,** A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM.

On motion of Representative Ellis and without objection, the bill is withdrawn from the Calendar of October 8 and placed on the Calendar for today.

On motion of Representative Ellis, the House does not concur in the Senate committee substitute bill, by electronic vote (105-2), and conferees are requested.

The Speaker appoints Representative Ellis, Chair; Representatives Capps and Hensley as conferees on the part of the House and the Senate is so notified by Special Message.

BILL PLACED ON CALENDAR

On motion of Representative Allred, Rule 31(d) is suspended, by electronic vote (104-0), in order for **S.B. 1241,** A BILL TO BE ENTITLED AN ACT TO MAKE THE REVENUE ACT PENALTIES UNIFORM, TO DELETE OBSOLETE AND INEFFECTIVE PENALTIES, TO GIVE NONPROFIT ENTITIES THREE YEARS TO FILE APPLICATIONS FOR REFUND OF TAXES PAID, TO EXTEND THE SUNSET ON THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT, TO AMEND THE QUALIFIED BUSINESS INVESTMENT TAX CREDIT TO PROVIDE AN INCENTIVE FOR INVESTMENT IN SMALL FILM PRODUCTION BUSINESSES, TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER A TAXPAYER WHO PREVAILS IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT SHOULD RECEIVE REIMBURSEMENT OF EXPENSES IN CERTAIN CIRCUMSTANCES, TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION AMOUNT AND INCOME ELIGIBILITY AMOUNT AND REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, TO TEMPORARILY REINSTATE A PROPERTY TAX EXEMPTION FOR CERTAIN NONPROFIT RETIREMENT FACILITIES, AND TO DIRECT THE

LEGISLATIVE RESEARCH COMMISSION TO STUDY PROPERTY TAX EXEMPTIONS FOR NONPROFIT ENTITIES, to receive its third roll call reading.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute bill.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Beall, Black, Bonner, Bowie, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, Howard, H. Hunter, Hurley, Insko, Jarrell, Jeffus, Justus, Kinney, Kiser, McAllister, McComas, McCombs, McCrary, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Womble, Wood, Wright, and Yongue - 106.

Voting in the negative: None.

Excused absences: Representatives Barefoot, Dickson, Hackney, Hill, Luebke, Mosley, and Warner - 7.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Neely for the Committee on Judiciary II:

Committee Substitute for **S.B. 1279,** A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

On motion of the Chair and without objection, the House committee substitute bill is re-referred to the Committee on Rules, Calendar, and Operations of the House. The Senate committee substitute bill is placed on the Unfavorable Calendar.

On motion of Representative Morgan, seconded by Representative Allred, the House adjourns at 2:50 p.m. to reconvene Thursday, October 8 at 10:00 a.m.

TWO HUNDRED ELEVENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 8, 1998

The House meets at 10:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, who are we that we should seek an audience with You? You set the earth upon its foundations, flung the stars into space with a flick of Your wrist, and set in motion the laws of the universe. Who are we that we would be so bold to bring even our most minuscule concerns to You? Well, we are Your children. And, You don't only want to hear our prayers but You bid us to come. Accept our prayers of petition, our intercessions, and our concerns. May Your parental love guide us in our work and always. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 7 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (75-0).

Leaves of absence are granted Representatives Blue, Dickson, Hackney, Hardaway, Howard, Kiser, Mosley, Rogers, and Smith for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 350, AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.

S.B. 1150, AN ACT TO DELAY THE SUNSET OF THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 661, AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.

CHAPTERED BILL

The following bills is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1360, AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW. (S.L. 1998-174)

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 7, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute No. 2 for **S.B. 1202** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK

FIRST PARTICIPANTS, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CALENDAR

Action is taken on the following:

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS.

On motion of Representative Reynolds, the bill is temporarily displaced.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 333,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES ACT.

Representative Dedmon offers Amendment No. 1 which is adopted by electronic vote (93-0).

The bill, as amended, passes its second reading, by electronic vote (89-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading and is ordered sent to the Senate for concurrence in House amendment.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE CREDIT FOR PROBATIONARY EMPLOYMENT WITH A LOCAL GOVERNMENT, passes its second reading, by electronic vote (95-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

Committee Substitute for **H.B. 1357,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS, which was temporarily displaced is before the Body.

On motion of Representative Reynolds, the House concurs in the Senate amendment, by electronic vote (91-0), and the bill is ordered enrolled and presented to the Governor.

Representative Morgan moves, seconded by Representative Thompson, that the House adjourn, subject to the ratification of bills, to reconvene Monday, October 12, 1998, at 6:00 p.m.

The motion carries.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1336, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES.

The House stands adjourned at 10:45 a.m.

TWO HUNDRED TWELFTH DAY

HOUSE OF REPRESENTATIVES
Monday, October 12, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Davis.

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 8 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Adams, Arnold, Bowie, Cole, Esposito, Fox, Hall, Howard, Justus, Kiser, Luebke, Mitchell, Mosley, Redwine, Rogers, Shubert, Thompson, and Womble for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1480, AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE OPERATION INTEGRATORS BY SWINE GROWERS, TO EXTEND BY SIX MONTHS THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS AND ON LAGOONS AND ANIMAL WASTE MANAGEMENT SYSTEMS FOR SWINE FARMS, AND TO CLARIFY EXCEPTIONS TO THE STATEWIDE MORATORIUM.

H.B. 1357, AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS.

S.B. 1138, AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE CREDIT FOR PROBATIONARY EMPLOYMENT WITH A LOCAL GOVERNMENT.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 661, AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS. (S.L. 1998-175)

H.B. 534, AN ACT TO ALLOW THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION. (S.L. 1998-176)

S.B. 427, AN ACT TO ALLOW OVERWEIGHT TRUCKS TRANSPORTING APPLES AND CHRISTMAS TREES TO OPERATE ON CERTAIN LIGHT-DUTY ROADS. (S.L. 1998-177)

S.B. 1228, AN ACT TO ENHANCE THE CRIMINAL PROVISIONS FOR TAX VIOLATIONS. (S.L. 1998-178)

H.B. 1490, AN ACT TO EXTEND THE TIME FOR THE RESOLUTION OF CLAIMS TO LAND UNDER NAVIGABLE WATERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (S.L. 1998-179)

S.B. 1135, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS. (S.L. 1998-180)

MESSAGES FROM THE SENATE

The following are received from the Senate:

Senate Committee Substitute for **H.B. 1126,** A BILL TO BE ENTITLED AN ACT TO EXEMPT LOCAL PAY PHONE SERVICES FROM SALES TAX, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 13.

Senate Committee Substitute for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is returned for concurrence in Senate committee substitute bill and referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

RE-REFERRAL

On motion of Representative Morgan, **H.B. 1757,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE JULY 1, 1998, is withdrawn from the Committee on Human Resources and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Ramsey, the House adjourns at 6:08 p.m. to reconvene October 13 at 2:00 p.m.

TWO HUNDRED THIRTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 13, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Byron Wade, Raleigh, North Carolina.

"Dear Lord, we are thankful for another day that You have given us to live. We ask for Your Holy Spirit to abide with us as we open this legislative session. May You touch each of us and help us in all our decisions to do not our will, but Your will. Give us Your guidance not only today, but every day so in all that we do or say we will glorify Your name. We ask for this and other blessings in the name of Your Son, Jesus Christ. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 12 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (93-1).

Leaves of absence are granted Representatives Dockham, Easterling, Esposito, Fox, Ives, Justus, Luebke, Miller, Mosley, Rogers, Thompson,

and Womble for today. Representatives Goodwin and Kiser are excused for a portion of the session.

CONFERENCE REPORTS

Representative Howard sends forth the Conference Report on House Committee Substitute for **S.B. 1202,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 14.

Representative Yongue sends forth the Conference Report on Senate Committee Substitute for **H.B. 1371,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 14.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1126,** A BILL TO BE ENTITLED AN ACT TO EXEMPT LOCAL PAY PHONE SERVICES FROM SALES TAX.

On motion of Representative Miner, the House concurs in the Senate committee substitute bill, by electronic vote (98-1), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1274,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church,

Clary, Cole, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Eddins, Ellis, Fitch, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Howard, H. Hunter, Hurley, Insko, Jarrell, Kinney, Kiser, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Sutton, Tallent, Tolson, Wainwright, Warner, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 101.

Voting in the negative: None.

Excused absences: Representatives Dockham, Easterling, Esposito, Fox, Ives, Justus, Luebke, Miller, Mosley, Rogers, Thompson, and Womble - 12.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Russell and without objection, House Committee Substitute No. 2 for **S.B. 1128,** A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM TO ALLOW SELECTED LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE, is withdrawn from the Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

CALENDAR (continued)

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS.

Representative Preston offers Amendment No. 1 which is adopted by electronic vote (102-0).

Representative McMahan offers Amendment No. 2 which fails of adoption, by electronic vote (51-51), for lack of a majority.

Representative Baker offers Amendment No. 3 which fails of adoption by electronic vote (42-55).

Representative Allred offers Amendment No. 4 which is adopted by electronic vote (94-0).

Representative Brawley offers Amendment No. 5.

Representative Brawley withdraws Amendment No. 5.

The bill, as amended, passes its second reading by electronic vote (95-2).

Representative Arnold objects to the third reading. The bill remains on the Calendar.

RE-REFERRALS

On motion of Representative Morgan and without objection, **S.B. 304,** A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS, is withdrawn from the Committee on Human Resources and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan and without objection, Committee Substitute for **H.B. 1273,** A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE, is withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of Representative Morgan, seconded by Representative Mitchell, the House adjourns at 3:12 p.m. to reconvene October 14 at 2:00 p.m.

TWO HUNDRED FOURTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 14, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by Representative Goodwin.

"Dear Lord, at this hour today, we humbly gather and call on You for your everlasting guidance. Through times of war and peace, economic prosperity and depression, victory and failure, You have been there. Through Your prophets and Your other vessels You have guided us, inspired us, delivered us. Though we in this House may disagree as to the means of what we desire here, we do agree on the grand purpose we have as representatives of the People of this State.

"Lord, today we again ask that You bless us with the leadership North Carolina needs to carry us through this day and toward the end of this legislative session. We thank You for your countless blessings bestowed upon us - many blessings that we have failed to recognize, and most of all, the ability to love one another.

"Dear Lord, help us remember the least among us and do the best for all the children, all the families, and all the People of this great State -- which we consider 'the goodliest land' there is.

"In His Almighty name we pray, Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 13 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (89-1).

Representatives Brown and Justus request and are granted permission to be recorded as voting "aye". The adjusted vote total is (91-1).

Leaves of absence are granted Representatives Dockham, Esposito, Fox, Ives, Jarrell, Kiser, Luebke, Miller, Mosley, Rogers, Thompson, Wainwright, Warner, and Womble for today. Representative Hackney is excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1287, AN ACT TO CLARIFY THE LAW REGARDING HEALTH CARE POWERS OF ATTORNEY AND ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT BASED ON RECOMMENDATIONS OF THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE.

H.B. 1126, AN ACT TO EXEMPT LOCAL PAY PHONE SERVICES FROM SALES TAX.

S.B. 333, AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES ACT.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Committee Substitute for **H.B. 1273,** A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE, with a favorable report.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar.

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Ives, McCombs, and Sherrill, Co-Chairs, for the Permanent Subcommittee on General Government:

Committee Substitute for **H.B. 480,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE

COLLECTED BY THE COURT IN DIVORCE ACTIONS, reported to the Standing Committee on Appropriations without prejudice.

H.B. 911, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SEXUAL ASSAULT PREVENTION AND PROGRAMS, reported to the Standing Committee on Appropriations without prejudice.

Representatives Ives, McCombs, and Sherrill, Co-Chairs, report the following bills to the Standing Committee on Appropriations with recommendation that they be postponed indefinitely:

H.B. 805, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH A BATTERERS' PROGRAM TO SERVE BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES;

H.B. 960, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO FUND A NEW VISITING ARTISTS PROGRAM;

H.B. 1215, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE OFFICE OF ADMINISTRATIVE HEARINGS CONCERNING INJUNCTIVE RELIEF AND TO ADD TWO POSITIONS TO THAT OFFICE; and

H.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE VOLUNTEER FIRE DEPARTMENT AND VOLUNTEER RESCUE/EMS FUNDS AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Representatives Mitchell, Baker, and Carpenter, Co-Chairs, for the Permanent Subcommittee on Natural and Economic Resources report the following bills to the Standing Committee on Appropriations with recommendation that they be postponed indefinitely:

H.B. 352, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ERADICATE HYDRILLA IN LAKE GASTON;

H.B. 489, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MOUNTAIN STATE FAIR;

H.B. 639, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY FOR THE RESERVE FOR FARM LOANS;

H.B. 641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING;

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE WILDLIFE ENFORCEMENT OFFICERS AT LAKE NORMAN;

H.B. 1179, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LAND LOSS PREVENTION PROJECT, INC., TO PROVIDE LEGAL ASSISTANCE TO FINANCIALLY DISTRESSED FAMILY FARMERS;

H.B. 1250, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE MARINE FISHERIES COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE EXPANDED COMMISSION;

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO RESERVE FOUR PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE HOUSING TRUST FUND AND TO RESERVE TWO PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE DEPARTMENT OF COMMERCE FOR THE CENTER FOR COMMUNITY SELF-HELP;

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING AND STRENGTHEN COMMUNITIES;

H.B. 1681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY TRUST FUND; and

H.B. 1721, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF DEVELOPING A STATE PARK IN THE AREA OF LAKE GASTON IN HALIFAX COUNTY.

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

H.B. 1039, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAINTAIN VEHICLE TITLE RECORDS TO REFLECT INSURANCE CLAIMS AND SALVAGE HISTORY ON ALL MOTOR VEHICLES REGISTERED IN THIS STATE, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1095, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

RE-REFERRALS

On motion of Representative Buchanan and without objection, **H.B. 209,** A BILL TO BE ENTITLED AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE OF UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES, is withdrawn from the Committee on Transportation and re-referred to the Committee on Appropriations.

On motion of Representative Buchanan and without objection **H.B. 1545,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR INSPECTIONS AND ISSUANCE OF BRANDED TITLES FOR CERTAIN MOTOR VEHICLES, is withdrawn from the Committee on Transportation and re-referred to the Committee on Appropriations.

BILL PLACED ON CALENDAR

Pursuant to Rule 36(a), House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH AND PROVIDING THAT THE CITY OF RALEIGH MAY BE RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE

PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, is placed on today's Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 13, 1998

Mr. Speaker:

Pursuant to your message received Thursday, October 8, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 1114** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE JURISDICTIONS, and requests conferees, the President Pro Tempore appoints:

Senator Miller, Chairman
Senator Carrington
Senator Reeves

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 13, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute for **H.B. 1371** (Conference Report) A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

Representative Yongue moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1371

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1371, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS, Senate Education/Higher Education Committee Substitute Adopted 8/6/98, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Education/Higher Education Committee Substitute Adopted 8/6/98, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 20-22, by rewriting the lines to read:
"the authority to purchase ~~the same~~ supplies, equipment, and materials from noncertified sources ~~as are available under State term contracts,~~ subject to the following conditions:"

and on page 2, by inserting between lines 2 and 3 the following:

"(1a) The items are the same or substantially similar in quality, service, and performance as items available under State term contracts:"

and on page 2, line 24, by inserting before the quotation marks the following:

"(e) The State Board shall adopt rules to exempt from this section supplies, equipment, and materials related to student transportation. The State Board shall adopt guidelines regarding the interpretation and implementation of this section.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 6, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Walter Dalton, Chairman	S/ James W. Crawford, Jr., Chair
S/ Leslie Winner	S/ Douglas Y. Yongue
S/ Howard N. Lee	S/ Alex Warner
S/ Robert A. Rucho	S/ Jean Preston
	S/ Gene Arnold

The Conference Report is adopted, by electronic vote (104-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CONFERENCE REPORT

Representative Howard moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1202

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1202, A BILL TO BE

ENTITLED AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS, House Committee Substitute Sixth Edition Engrossed 9/16/98, wish to report as follows:

The Senate concurs in the House Committee Substitute Sixth Edition Engrossed 9/16/98, with the following amendment and the House agrees to the same.

On page 2, lines 1 through 3, are rewritten to read:

"adopted by the local department of social services. In the discretion of the public or private entity to which the city or county conveys the surplus automobile, when that entity conveys the vehicle to a Work First participant it may arrange for an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work"

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 6, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Charlie S. Dannelly	S/ Julia Howard
S/ R. A. Cooper, III	S/ Howard J. Hunter
S/ Jeanne Lucas	S/ William E. McMahan
S/ William Martin	S/ Constance K. Wilson
S/ Allen H. Wellons	

The Conference Report is adopted, by electronic vote (103-2), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH AND PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK

PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

Representative Morgan offers Amendment No. 1.

The Speaker rules Amendment No. 1 to be material.

Amendment No. 1, which changes the title, is adopted by the following vote.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Ellis, Fitch, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tolson, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 97.

Voting in the negative: Representative Berry.

Excused absences: Representatives Dockham, Esposito, Fox, Hackney, Ives, Jarrell, Kiser, Luebke, Miller, Mosley, Rogers, Thompson, Wainwright, Warner, and Womble - 15.

The bill is ordered engrossed and placed on the Calendar of October 15 for its second roll call reading.

House Committee Substitute No. 2 for **S.B. 1274,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter,

Church, Clary, Cole, Creech, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Ellis, Fitch, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tolson, Warwick, Watson, C. Wilson, G. Wilson, and Wood, - 98.

Voting in the negative: None.

Excused absences: Representatives Dockham, Esposito, Fox, Hackney, Ives, Jarrell, Kiser, Luebke, Miller, Mosley, Rogers, Thompson, Wainwright, Warner, and Womble - 15.

VOTE RECONSIDERED

Representative Baker, having voted with the prevailing side, moves to reconsider the vote by which the House failed to concur in Senate Committee Substitute No. 2 for **H.B. 1248,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX FEDERAL PAYMENTS TO TOBACCO ALLOTMENT HOLDERS, TOBACCO WORKERS, TOBACCO WAREHOUSE OWNERS, AND TOBACCO FARMERS AS COMPENSATION FOR LOSSES DUE TO FEDERAL LEGISLATION.

The motion carries by electronic vote (94-6).

The Speaker dismisses the conferees.

On motion of Representative Baker, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (104-0), and the bill is ordered enrolled and presented to the Governor.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

CALENDAR (continued)

House Committee Substitute No. 2 for **S.B. 809,** A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS.

Representative Shubert requests that she be excused from voting on this bill under Rule 24.1A and this request is granted.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Ellis, Fitch, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Jeffus, Justus, Kinney, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miner, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Sherrill, Starnes, Sutton, Tolson, Warwick, Watson, Weatherly, G. Wilson, Wood, Wright, and Yongue - 101.

Voting in the negative: None.

Excused vote: Representative Shubert.

Excused absences: Representatives Dockham, Esposito, Fox, Hackney, Ives, Jarrell, Kiser, Luebke, Miller, Mosley, Rogers, Thompson, Wainwright, Warner, and Womble - 15.

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS.

Pursuant to Rule 36.1, Representative Creech, Co-Chair for the Committee on Appropriations, requests a fiscal note on the bill.

The bill is removed from the Calendar.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 2 for **S.B. 1554,** A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES, passes its second reading, by electronic vote (102-1), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

On motion of Representative Morgan, seconded by Representative Black, the House adjourns at 2:41 p.m. to reconvene October 15 at 9:00 a.m.

TWO HUNDRED FIFTEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 15, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Capps.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 14 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (71-0).

Leaves of absence are granted Representatives Adams, Arnold, Blue, Dockham, Ellis, Esposito, Fox, Goodwin, Hackney, Hiatt, Ives, Kiser, Miller, Mosley, Rogers, Russell, Shubert, Smith, Thompson, and Womble for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1248, AN ACT TO PROTECT NORTH CAROLINA CITIZENS FROM LOSSES DUE TO FEDERAL TOBACCO LEGISLATION OR TOBACCO LITIGATION AND TO PROVIDE THAT FUNDS RECEIVED DUE TO TOBACCO SETTLEMENTS AND RELATED CONGRESSIONAL LEGISLATION SHALL BE SPENT PURSUANT TO APPROPRIATION BY THE GENERAL ASSEMBLY.

H.B. 1371, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.

S.B. 1202, AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT

FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS.

S.B. 656, AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

S.B. 801, AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT.

CHAPTERED BILL

The following bills is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1469, AN ACT REORGANIZING THE STATE PERSONNEL COMMISSION AND AUTHORIZING THE CHAIR OF THE STATE PERSONNEL COMMISSION TO APPOINT PANELS OF ITS MEMBERS TO MAKE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING THE FINAL DECISION IN CONTESTED CASES AND TO MAKE CHANGES TO THE EMPLOYEE INCENTIVE BONUS PROGRAM. (S.L. 1998-181)

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Preston and without objection, House Committee Substitute for **S.B. 1125**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS, is withdrawn from the Calendar and re-referred to the Committee on Appropriations, Subcommittee on Education.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY TO ANNEX AN AREA TO THE VILLAGE OF PINEHURST.

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Gardner, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hightower, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Sexton, Sherrill, Starnes, Sutton, Tolson, Wainwright, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 85.

Voting in the negative: None.

Excused absences: Representatives Adams, Arnold, Blue, Dockham, Ellis, Esposito, Fox, Goodwin, Hackney, Hiatt, Ives, Kiser, Miller, Mosley, Rogers, Russell, Shubert, Smith, Thompson, and Womble - 20.

House Committee Substitute No. 2 for **S.B. 809,** A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS, passes its third reading, by the following vote, and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 2.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dickson, Earle, Easterling, Eddins, Gardner, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hightower, Holmes, Howard, H. Hunter, Hurley, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Mitchell, Moore, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Sexton, Sherrill, Starnes, Sutton, Tolson, Wainwright, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 85.

Voting in the negative: None.

Excused absences: Representatives Adams, Arnold, Blue, Dockham, Ellis, Esposito, Fox, Goodwin, Hackney, Hiatt, Ives, Kiser, Miller, Mosley, Rogers, Russell, Shubert, Smith, Thompson, and Womble - 20.

Representative Morgan moves, seconded by Representative Mitchell, that the House adjourn, subject to the receipt of Committee Reports, to reconvene Monday, October 19, 1998, at 6:00 p.m.

The motion carries.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

House Committee Substitute for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION LIMITING THE VALUATION OF REAL PROPERTY FOR PROPERTY TAX PURPOSES TO ITS APPRAISED VALUE ON THE 2000-01 TAX BILL AND TO ADJUST THE APPRAISED VALUE TO REFLECT ITS SALES PRICE WHEN IT IS SOLD, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1, and recommendation that House Committee Substitute Bill No. 2 be re-referred to the Committee on Appropriations.

House Committee Substitute Bill No. 2 is re-referred to the Committee on Appropriations. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

SUBCOMMITTEE REFERRAL

Representative Holmes, Co-Chair, for the Standing Committee on Appropriations, refers House Committee Substitute Bill No. 2 for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION INCOME THRESHOLD TO TWENTY THOUSAND DOLLARS WITH FIFTY PERCENT REIMBURSEMENT TO

LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IF APPROVED BY THE VOTERS IN THE 2000 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, to the Permanent Subcommittee on Natural and Economic Resources.

The House stands adjourned at 4:25 p.m.

TWO HUNDRED SIXTEENTH DAY

HOUSE OF REPRESENTATIVES
Monday, October 19, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Lord, help us not to lose heart.

"You know us. We want what we think we want and we want it now. We hate to wait.

"You know us. Our little corner of the world easily becomes the whole world, our aches and pains the only pain. When we pray, therefore, we mostly pray for ourselves.

"You know us. We attempt to use our faith to get what we want rather than allowing our faith to use us to get what You want. We want the world our way or no way.

"You know us. More than that, You love us. Come to us, not as we want You to be, but rather as You truly are, great God, Lord of heaven and earth, our Savior, our Friend, for this is why we do not lose heart. Amen."

-Pulpit Resource

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 15 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (48-0).

Leaves of absence are granted Representatives Adams, Arnold, Baddour, Barefoot, Blue, Buchanan, Cole, Cunningham, Decker, Dedmon, Ellis, Fox, Goodwin, Hackney, Hardaway, Hurley, Jarrell, Kinney, Kiser, McAllister, Mosley, Nesbitt, Redwine, Rogers, Russell, Sherrill, Thompson, Womble, Wood, and Yongue for today.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1336, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES, AND CHILD CARE VEHICLES; AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE; AND TO INCREASE THE FINES FOR DWI OFFENSES AND TO MAKE CONFORMING CHANGES. (S.L. 1998-182)

H.B. 20, AN ACT TO INCREASE TO SEVEN PERCENT THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS. (S.L. 1998-183)

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Arnold, Grady, and Preston, Co-Chairs, for the Permanent Subcommittee on Education of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute No. 1 for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 15, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute bill for **H.B. 1114** (Conference Report), A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE JURISDICTIONS, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

MESSAGE FROM THE SENATE

The following is received from the Senate:

Senate Committee Substitute for **H.B. 1055,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 20.

Upon concurrence, the Senate committee substitute bill changes the title.

CALENDAR

Action is taken on the following:

House Committee Substitute for **S.B. 666,** A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH, PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, AND TO ANNEX AN AREA TO THE VILLAGE OF PINEHURST.

The bill, as amended, passes its third reading in accordance with House Rule 22, by the following vote, and is ordered sent to the Senate for concurrence in House committee substitute bill by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Baker, Beall, Berry, Bonner, Boyd-McIntyre, Bryant, Cansler, Capps, Carpenter, Church, Crawford, Creech, Culp, Daughtry, Davis, Dickson, Eddins, Esposito, Gardner, Gray, Gulley, Hall, Hensley, Holmes, Howard, Insko, Jeffus, Luebke, McCombs, McCrary, Miller, Mitchell, Morgan, Neely, Nye, Owens, Preston, Ramsey, Rayfield, Saunders, Sexton, Tolson, Wainwright, Weatherly, and G. Wilson - 48.

Voting in the negative: None.

Excused absences: Representatives Adams, Arnold, Baddour, Barefoot, Blue, Buchanan, Cole, Cunningham, Decker, Dedmon, Ellis, Fox, Goodwin, Hackney, Hardaway, Hurley, Jarrell, Kinney, Kiser, McAllister, Mosley, Nesbitt, Redwine, Rogers, Russell, Sherrill, Thompson, Womble, Wood, and Yongue - 30.

CONFERENCE REPORTS

Representative Capps sends forth the Conference Report on Senate Committee Substitute for **H.B. 1114,** A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 20.

Representative Neely sends forth the Conference Report on Senate Committee Substitute for **H.B. 581,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 20.

Representative Morgan moves, seconded by Representative Wainwright, that the House adjourn, subject to the receipt of Committee Reports, to reconvene October 20 at 2:30 p.m.

The motion carries.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representatives Mitchell, Baker, and Carpenter, Co-Chairs, for the Permanent Subcommittee on Natural and Economic Resources of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute No. 2 for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION INCOME THRESHOLD TO TWENTY THOUSAND DOLLARS WITH FIFTY PERCENT REIMBURSEMENT TO LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IF APPROVED BY THE VOTERS IN THE 2000 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 3 is placed on the Calendar of October 20. House Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

The House stands adjourned at 6:42 p.m.

TWO HUNDRED SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 20, 1998

The House meets at 2:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal God, our lives are a quandry. We know what we ought to do. And, we know what we ought not to do. Yet, how often do we find ourselves choosing the latter over the former? We struggle to live somewhere between what we believe to be ethical and what we often attempt to justify as right and ethical behavior. It is, indeed, a state of internal confusion. And, it is nothing less than a wrestling match with our soul. That is why we need to seek the mind of someone greater than ourselves. And this, O Lord, is where we can expect to find an audience with You.

"You, and You alone, are the only source of true wisdom and all that is right and perfect and orderly and good. Break us from our constant idolatry of equating our thoughts with the thoughts of God. Humble our hearts so that we might take time to quiet our souls and listen to the divine whisper of Your voice. Break down the remaining walls and barriers that keep us from completing our work. Keep us true to ourselves, true to others, and most especially, keep us ever true to You. O God of heaven and earth, You are the Alpha and the Omega, the Beginning and the End, and nothing can ever escape Your watchful gaze nor Your gentle embrace of humanity, indeed, of all of Your creation. Lord, have mercy upon us. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 19 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (88-1).

Leaves of absence are granted Representatives Arnold, Barbee, Blue, Buchanan, Cansler, Crawford, Creech, Esposito, Fox, Gray, Hackney,

Holmes, Mosley, Starnes, Warwick, Womble, and Wood for today. Representatives Bowie, Kiser, and Thompson are excused for a portion of the session.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1291, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION, REGIONAL PUBLIC TRANSPORTATION AUTHORITIES, AND REGIONAL TRANSPORTATION AUTHORITIES TO CREATE TRANSPORTATION CORRIDORS AND PROTECT THEM FROM DEVELOPMENT, AND TO INSURE PROPER NOTICE TO ALL PROPERTY OWNERS AFFECTED BY THE CORRIDORS. (S.L. 1998-184)

S.B. 1280, AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY. (S.L. 1998-185)

S.B. 1150, AN ACT TO DELAY THE SUNSET OF THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES. (S.L. 1998-186)

S.B. 350, AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES. (S.L. 1998-187)

H.B. 1480, AN ACT TO PROVIDE FOR THE REGISTRATION OF SWINE OPERATION INTEGRATORS BY SWINE GROWERS, TO EXTEND BY SIX MONTHS THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS AND ON LAGOONS AND ANIMAL WASTE MANAGEMENT SYSTEMS FOR SWINE FARMS, AND TO CLARIFY EXCEPTIONS TO THE STATEWIDE MORATORIUM. (S.L. 1998-188)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs for the Committee on Finance, report the following bills with an indefinite postponement report:

H.B. 22, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES TAX ON FOOD BY AN ADDITIONAL ONE CENT;

H.B. 38, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENTS THAT CORPORATIONS FILE ANNUAL REPORTS WITH AND PAY ANNUAL REPORT FILING FEES TO THE OFFICE OF THE SECRETARY OF STATE;

H.B. 44, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES AND BUILDINGS THAT WERE BUILT BEFORE 1936;

H.B. 94, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ANNEXATION LAWS;

H.B. 124, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION;

H.B. 125, A BILL TO BE ENTITLED AN ACT TO ROLL BACK THE VARIABLE RATE GAS TAX TO THE 1989 LEVEL;

H.B. 148, A BILL TO BE ENTITLED AN ACT TO PROVIDE AUTOMATIC ANNUAL INCOME TAX REDUCTIONS AND TAX SIMPLICITY BY INDEXING THE STATE'S PERSONAL EXEMPTION AMOUNTS TO THE FEDERAL PERSONAL EXEMPTION AMOUNTS;

H.B. 284, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE MINIMUM TAX FOR CORPORATIONS THAT REDUCE THEIR TAXABLE INCOME BY DEDUCTING INTEREST EXPENSE ATTRIBUTABLE TO TAX-EXEMPT INTEREST INCOME;

H.B. 293, A BILL TO BE ENTITLED AN ACT TO REQUIRE A SUPERMAJORITY OF THE DURHAM CITY COUNCIL TO APPROVE A SPECIFIC ANNEXATION IF A SUFFICIENT PROTEST PETITION IS SUBMITTED;

H.B. 294, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATION IN PARKWOOD IN DURHAM COUNTY IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED;

H.B. 317, A BILL TO BE ENTITLED AN ACT TO PROVIDE A UNIFORM RULE FOR PARENT CORPORATIONS TO NET RELATED EXPENSES BEFORE DEDUCTING OR EXCLUDING SUBSIDIARY DIVIDENDS AND TO APPROPRIATE THE RESULTING REVENUES FOR ALTERNATIVE SCHOOLS;

H.B. 324, A BILL TO BE ENTITLED AN ACT TO REQUIRE CORPORATIONS TO REPORT INFORMATION RELATING TO CERTAIN INCOME TAX DEDUCTIONS;

H.B. 326, A BILL TO BE ENTITLED AN ACT TO PROVIDE A UNIFORM RULE FOR PARENT CORPORATIONS TO NET RELATED EXPENSES BEFORE DEDUCTING OR EXCLUDING SUBSIDIARY DIVIDENDS;

H.B. 380, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IRREVOCABLE LETTERS OF CREDIT MAY BE SUBSTITUTED FOR REQUIRED BONDS ON HIGHWAY CONTRACTS;

Committee Substitute for **H.B. 518,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TWO-YEAR REGISTRATION PLATES;

H.B. 624, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CURRITUCK, PASQUOTANK, AND PERQUIMANS COUNTIES TO CHOOSE FROM A MENU OF LOCAL REVENUE OPTIONS, SUBJECT TO APPROVAL BY THE VOTERS OF THE RESPECTIVE COUNTY;

H.B. 660, A BILL TO BE ENTITLED AN ACT TO REPEAL THE INTANGIBLES TAX ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS AND TO REFUND THE TAX WITH INTEREST FROM THE RAINY DAY FUND;

Committee Substitute for **H.B. 751,** A BILL TO BE ENTITLED AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL

CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE PERCENT, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL CONSTRUCTION;

Committee Substitute for **H.B. 768,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A WATER AND SEWER AUTHORITY HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF EMINENT DOMAIN FOR SPECIFIED PURPOSES;

Committee Substitute for **H.B. 919,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE AMOUNT OF MOTOR FUEL TAX PAID ON FUEL USED IN BOATS SHALL BE EARMARKED FOR USE FOR CONTROL OF AQUATIC WEEDS, RECREATIONAL PROJECTS, AND LAKE ADMINISTRATION BUILDINGS;

H.B. 970, A BILL TO BE ENTITLED AN ACT TO PROVIDE A POSITIVE ENVIRONMENT FOR ECONOMIC DEVELOPMENT BY DECLARING A MORATORIUM ON TAXATION OF INTERNET SERVICES FOR AT LEAST TWO MORE YEARS;

H.B. 987, A BILL TO BE ENTITLED AN ACT TO STIMULATE A SUBSTANTIAL INCREASE IN VENTURE CAPITAL INVESTMENTS IN NORTH CAROLINA BY ALLOWING AN INSURANCE PREMIUMS TAX CREDIT FOR THESE INVESTMENTS;

H.B. 1013, A BILL TO BE ENTITLED AN ACT TO REDUCE THE SALES TAX ON FOOD, REVISE THE DEFINITION OF FOOD FOR SALES TAX PURPOSES, AND ALLOW A PERCENTAGE DISCOUNT TO MERCHANTS FOR COLLECTING STATE SALES AND USE TAXES;

H.B. 1188, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES PAID ON PURCHASES MADE WITH THE PROCEEDS OF LOCAL VOTER-APPROVED BONDS AND TO REQUIRE THE REFUNDS TO BE USED ONLY FOR THE PURPOSES FOR WHICH THE BONDS WERE APPROVED;

H.B. 1268, A BILL TO BE ENTITLED AN ACT TO REDUCE PROPERTY TAXES ON HOMESTEAD PROPERTY, TO ALLOW MORE INDIVIDUALS TO QUALIFY FOR THE HOMESTEAD TAX

REDUCTION, AND TO REIMBURSE LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS;

H.B. 1271, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE SALES TAX ON FOOD;

H.B. 1293, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK WITH INTEREST FOR THE 1991 THROUGH 1994 TAX YEARS;

H.B. 1303, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE SALES TAX ON FOOD;

H.B. 1316, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE NORTH CAROLINA INHERITANCE TAX AND TO RETAIN A STATE ESTATE TAX EQUAL TO THE FEDERAL STATE DEATH TAX CREDIT;

H.B. 1320, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE PRIVILEGE TAX ON GROSS RECEIPTS FROM MOTION PICTURE SHOWS;

Committee Substitute for **H.B. 1438,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE;

Committee Substitute for **H.B. 1484,** A BILL TO BE ENTITLED AN ACT TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, AS RECOMMENDED BY THE WATER QUALITY PROGRAMS FUNDING WORKING GROUP AND THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 1714, A BILL TO BE ENTITLED AN ACT TO REDUCE INCOME TAXES FOR MARRIED COUPLES; and

H.B. 1748, A BILL TO BE ENTITLED AN ACT TO PROMOTE FAIRNESS, STABILITY, AND PREDICTABILITY OF THE REVENUE LAWS BY PROVIDING THAT FOREIGN CORPORATIONS THAT DO NOT HAVE A SUBSTANTIAL PHYSICAL PRESENCE IN THIS STATE ARE NOT SUBJECT TO CORPORATE INCOME TAX.

The bills are placed on the Unfavorable Calendar.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of Representative Morgan and without objection, House Committee Substitute No. 3 for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION INCOME THRESHOLD TO TWENTY THOUSAND DOLLARS WITHOUT REIMBURSING LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IF APPROVED BY THE VOTERS IN THE 2000 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO, WITH OUT REIMBURSEMENT, (I) INCREASE THE AMOUNT OF PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW- INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, is withdrawn from the Calendar and re-referred to the Committee on Appropriations, Subcommittee on Natural and Economic Resources.

CONFERENCE REPORT

Representative Neely moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 581

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 581, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST, Fourth Edition Engrossed 8/18/98, submit the following report:

The House concurs in the Fourth Edition Engrossed, and the House and Senate agree to the following amendments:

on page 2, lines 9-14, by rewriting the lines to read:

"(4) Sexual exploitation.-- Either of the following, whether or not it occurred with the consent of a client or during any treatment, consultation, evaluation, interview, or examination:

a. Sexual contact which includes any of the following actions:

1. Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, into the oral, genital, or anal openings of the client's body by any part of the psychotherapist's body or by any object used by the psychotherapist for the purpose of sexual stimulation or gratification of either the psychotherapist or the client; or any intrusion, however slight, into the oral, genital, or anal openings of the psychotherapist's body by any part of the client's body or by any object used by the client for the purpose of sexual stimulation or gratification of either the psychotherapist or the client, if agreed to, or not resisted by the psychotherapist.

2. Kissing of, or the intentional touching by the psychotherapist of, the client's lips, genital area, groin, inner thigh, buttocks, or breasts, or of the clothing covering any of these body parts, for the purpose of sexual stimulation or gratification of either the psychotherapist or the client, or kissing of, or the intentional touching by the client of, the psychotherapist's lips, genital area, groin, inner thigh, buttocks, or breast, or of the clothing covering any of these body parts, if agreed to or not resisted by the psychotherapist, for the purpose of sexual stimulation or gratification to either the psychotherapist or the client.";

and on page 3, lines 37-38, by rewriting the lines to read:

"An action for sexual exploitation must be commenced within three years after the cause of action accrues. A cause of action for sexual exploitation accrues at the later of either:

(1) The last act of the psychotherapist giving rise to the cause of action.

(2) At the time the client discovers or reasonably should discover that the sexual exploitation occurred; however, no cause of action shall be commenced more than 10 years from the last act of the psychotherapist giving rise to the cause of action.";

and on page 4, line 1,
by deleting "October 1, 1998," and substituting "January 1, 1999,".

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 1, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Brad Miller, Chairman	S/ C. B. Neely, Jr., Chairman
S/ Patrick J. Ballantine	S/ Joanne W. Bowie
S/ R. C. Soles, Jr.	S/ William E. McMahan
	S/ Joe Hackney

The Conference Report is adopted, by electronic vote (94-0), and the Senate is so notified by Special Message.

CONFERENCE REPORT

Representative Ellis moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1114

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the House of Representatives and the Senate on House Bill 1114, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE JURISDICTIONS, Senate Committee Substitute, Fifth Edition Engrossed 9/9/98, submit the following report:

The Senate and the House of Representatives agree to the following amendment to the Senate Committee Substitute, Fifth Edition Engrossed 9/9/98, and the Senate concurs in the Senate Committee Substitute, Fifth Edition Engrossed 9/9/98, with the following amendment:

on page 2, lines 36-37, by deleting the phrase "a date, no later than December 31, 1999, set by the Wake County Board of Elections." and substituting the phrase "November 7, 2000."

The conferees recommend that the House of Representatives and the Senate adopt this report.

Date conferees approved report: October 14, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Brad Miller, Chair	S/ J. Sam Ellis, Chair
S/ John H. Carrington	S/ J. Russell Capps
S/ Eric M. Reeves	S/ R. J. Hensley, Jr.

The Conference Report, which changes the title, is adopted, by electronic vote (94-0), and the Senate is so notified by Special Message.

The Senate having previously adopted the Conference Report, the Speaker orders the bill enrolled and presented to the Governor.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1055,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED.

On motion of Representative Russell, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (97-0), and the bill is ordered enrolled and presented to the Governor.

House Committee Substitute for **S.B. 304,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT WERE TO BECOME EFFECTIVE JULY 1, 1998.

On motion of Representative Cunningham, the bill is postponed until October 27 by electronic vote (52-42).

CONFERENCE REPORT

Representative Neely sends forth the Conference Report on House Committee Substitute No. 2 for **S.B. 1260,** A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH

CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 21.

On motion of Representative Morgan, seconded by Representative Sexton, the House adjourns at 3:52 p.m. to reconvene October 21 at 2:30 p.m.

TWO HUNDRED EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 21, 1998

The House meets at 2:30 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Loving God, where can we go to hide from Thee? To what end of the earth can we escape Your loving embrace and Your claim upon our lives? There is nowhere for us to run. There is nowhere for us to hide. You hold us firmly in the palm of Your loving hand.

"Oh, but how we try! We are so very clever at finding ways to run away from You. Oftentimes, we even think we have made it. We have escaped from Thy sight. But, then in the shadows of our sinfulness, Your love abounds and our hearts become heavy. We thank Thee that even as we attempt to hide our face from Thine, Your love for us is far greater than our sin.

"Lord God, we confess that we have not always loved You with our whole heart. We have failed to be obedient to Your will. We have broken Your laws. And, we have rebelled against Your Spirit. Forgive us we pray. And, free us for joyful obedience so that our lives can be lived with the fullness and the abundance of Thy love and with the integrity of the kingdom of God. All this we pray in the Name of the One Who Is, Who Was and Is To Come. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 20 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (89-1).

Leaves of absence are granted Representatives Barbee, Blue, Braswell, Fox, Gray, Hackney, Insko, Kiser, Luebke, Mosley, Womble, and Wood for today. Representative Capps is excused for a portion of the session.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

H.B. 1055, AN ACT TO PROVIDE FOR THE INVESTIGATION AND RESOLUTION OF CLAIMS RESULTING FROM DEFECTIVE SEED.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1357, AN ACT TO PROVIDE FOR "BEST VALUE" INFORMATION TECHNOLOGY PROCUREMENTS. (S.L. 1998-189)

S.B. 1138, AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE CREDIT FOR PROBATIONARY EMPLOYMENT WITH A LOCAL GOVERNMENT. (S.L. 1998-190)

CONFERENCE REPORT

Representative Neely moves the adoption of the following Conference Report.

House Committee Substitute No. 2 for S.B. 1260

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1260 A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION

FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES TO THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE, House Committee Substitute #2, Seventh Edition Engrossed 9/2/98, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute #2, Seventh Edition Engrossed 9/2/98, and the House concurs in the House Committee Substitute #2, Seventh Edition Engrossed 9/2/98, with the following amendment:

Delete the entire House Committee Substitute #2, Seventh Edition Engrossed 9/2/98, and substitute the attached Proposed Conference Committee Substitute S1260-PCCS-8861.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 20, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ R. A. Cooper, III, Chairman	S/ C. B. Neely, Jr., Chair
S/ Austin M. Allran	S/ Ed McMahan
S/ Walter H. Dalton	S/ Philip A. Baddour, Jr.
S/ Fletcher L. Hartsell, Jr.	S/ Ronnie Sutton
S/ Jeanne H. Lucas	S/ Bill Culpepper
S/ William N. Martin	S/ Joanne W. Bowie
S/ Fountain Odom	S/ Larry T. Justus
S/ Allen H. Wellons	S/ Billy Creech

The Conference Report, which changes the title, is adopted, by electronic vote (101-0), and the Senate is so notified by Special Message. (The Conference Committee Substitute may be found in its entirety in the Appendix.)

CALENDAR

Action is taken on the following:

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

Committee Substitute for **S.B. 882,** A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO DEPOSIT THE CLEAR PROCEEDS OF CIVIL PENALTIES AND CIVIL FORFEITURES INTO THE CIVIL PENALTY AND FORFEITURE FUND, passes its second reading, by electronic vote (101-0), and there being no objection is read a third time.

The bill passes its third reading and is ordered enrolled and presented to the Governor.

On motion of the Chair, the House recesses at 2:55 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 21, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute bill for **H.B. 581** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST.

Pursuant to your message that your Honorable Body adopted the report of the conferees, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 21, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute No. 2 for **S.B. 1260** (Conference Report), A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ESTABLISH THE OFFICE OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES TO THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

RE-REFERRAL

The fiscal note requested by Representative Creech on October 14 is attached to House Committee Substitute No. 2 for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO

CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHT GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOL WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN 12 MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; AND TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM on October 20.

On motion of Representative Morgan, the bill is withdrawn from the Calendar pursuant to Rule 36(a), and re-referred to the Committee on Appropriations, Subcommittee on Education.

On motion of Representative Morgan, seconded by Representative Watson, the House adjourns at 4:36 p.m. to reconvene October 22, at 8:00 a.m.

TWO HUNDRED NINETEENTH DAY

HOUSE OF REPRESENTATIVES
Thursday, October 22, 1998

The House meets at 8:00 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Davis.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 21 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (71-2).

Leaves of absence are granted Representatives Adams, Arnold, Blue, Fox, Gardner, Gray, Hackney, Howard, Hurley, Kiser, Mosley, Womble, and Wood for today.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 809, AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS.

S.B. 882, AN ACT TO REQUIRE STATE AGENCIES TO DEPOSIT THE CLEAR PROCEEDS OF CIVIL PENALTIES AND CIVIL FORFEITURES INTO THE CIVIL PENALTY AND FORFEITURE FUND.

S.B. 1260, AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ESTABLISH THE OFFICE OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES TO THE RECODIFICATION OF THE JUVENILE CODE, AS

RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE.

S.B. 1274, AN ACT TO AMEND THE LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE.

H.B. 581, AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST.

H.B. 1362, AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE.

ENROLLED BILLS

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1114, AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE JURISDICTIONS.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 1, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in the House Committee Substitute bill to **S.B. 916** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY, and requests conferees. The President Pro Tempore appoints:

Senator Kerr, Chairman
Senator Carrington
Senator Cochrane
Senator Gulley
Senator Hoyle

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints: Representative Clary, Chair; Representatives Morgan, Gardner, Sherrill, and Baker as conferees on the part of the House and the Senate is so notified by Special Message.

Representative Morgan moves, seconded by Representative Beall that the House adjourn, subject to the receipt of Messages from the Senate, the receipt of Conference Reports, and the receipt of Committee Reports, to reconvene Monday, October 26, 1998, at 6:00 p.m.

The motion carries.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee and permanent subcommittees are presented:

By Representatives Arnold, Grady, and Preston, Co-Chairs, for the Permanent Subcommittee on Education of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute No. 2 for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO

CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHT GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOL WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN 12 MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; AND TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM, with a favorable report as to House Committee Substitute Bill No. 3, which changes the title, unfavorable as to House Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 3 is placed on the Calendar. House Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

By Representatives Mitchell, Baker, and Carpenter, Co-Chairs, for the Permanent Subcommittee on Natural and Economic Resources of the Standing Committee on Appropriations, with approval of standing committee co-chair for report to be made directly to the floor of the House:

House Committee Substitute No. 3 for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROPERTY TAX HOMESTEAD EXEMPTION INCOME THRESHOLD TO TWENTY THOUSAND DOLLARS WITHOUT REIMBURSING LOCAL GOVERNMENTS FOR THE RESULTING REVENUE LOSS, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IF APPROVED BY THE VOTERS IN THE 2000 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO, WITHOUT REIMBURSEMENT, (I) INCREASE THE AMOUNT OF PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, with a favorable report as to House Committee Substitute Bill No. 4, which changes the title, unfavorable as to House Committee Substitute Bill No. 3.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 4 is placed on the Calendar. House Committee Substitute Bill No. 3 is placed on the Unfavorable Calendar.

Representative Dockham, for the Committee on Insurance, reports the following bills with an indefinite postponement report:

H.B. 276, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FOUR PERCENT STATE SALES AND USE TAX ON NONPRESCRIPTION MEDICINES;

H.B. 291, A BILL TO BE ENTITLED AN ACT REQUIRING NOTIFICATION OF NEXT OF KIN BEFORE AN AUTOPSY MAY BE PERFORMED;

H.B. 350, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION;

H.B. 358, A BILL TO BE ENTITLED AN ACT TO PROVIDE MEDICAID RECIPIENTS DIRECT ACCESS TO OBSTETRICIAN-GYNECOLOGISTS;

H.B. 405, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SIX-PRESCRIPTION LIMIT FOR MEDICAID RECIPIENTS;

H.B. 421, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE RESPIRATORY CARE PRACTICE ACT;

H.B. 436, A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN;

H.B. 541, A BILL TO BE ENTITLED AN ACT TO IMPROVE HMO SERVICES BY PROTECTING PHYSICIAN COMMUNICATIONS REGARDING TREATMENT, REQUIRING COVERAGE FOR EMERGENCY CARE, PROVIDING PEER REVIEW PROTECTION, AND ALLOWING THE USE OF RATES UPON FILING; AND TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS REGARDING RENEWABILITY OF HEALTH INSURANCE POLICIES;

H.B. 562, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF CERTIFIED SUBSTANCE ABUSE PROFESSIONALS UNDER HEALTH INSURANCE POLICIES AND PLANS;

H.B. 563, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY;

H.B. 796, A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICAL SERVICES;

H.B. 803, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA COMPREHENSIVE HEALTH INSURANCE RISK POOL ACT;

H.B. 914, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICES PLANS, AND HMO PLANS TO PROVIDE

COVERAGE FOR BONE MASS MEASUREMENT FOR THE DIAGNOSIS AND TREATMENT OF OSTEOPOROSIS;

H.B. 923, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS WRITING HOMEOWNERS' INSURANCE TO OFFER COVERAGE WITHOUT SEPARATE DEDUCTIBLES FOR WINDSTORM AND HAIL;

H.B. 1020, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURES FOR SETTLEMENT OF PERSONAL AUTOMOBILE AND COMMERCIAL LIABILITY INSURANCE CLAIMS;

H.B. 1058, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH CARE FACILITIES THAT RECEIVE STATE FUNDS TO ALLOW PROVIDERS WHO HAVE MET THE FACILITY'S CREDENTIALING REQUIREMENTS TO DIAGNOSE AND TREAT PATIENTS AT THE FACILITY;

H.B. 1162, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAW TO CHANGE THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN'S NEED DETERMINATIONS TO PRESUMPTIVE EFFECTS AND TO REQUIRE CONSIDERATION OF ANY SPECIFIC NEED THAT MAY REBUT THE PRESUMPTION AND TO CLARIFY THAT THE STATE MEDICAL FACILITIES PLAN MUST BE ADOPTED AS RULES PURSUANT TO THE NORTH CAROLINA ADMINISTRATIVE PROCEDURE ACT AND MAY BE CHALLENGED IN CONTESTED CASES;

H.B. 1399, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THERE IS NO INSURANCE PREMIUM SURCHARGE OR ASSESSMENT OF POINTS FOR A CONVICTION FOR SPEEDING FIFTEEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT;

H.B. 1476, A BILL TO BE ENTITLED AN ACT TO AMEND THE PHARMACY PRACTICE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMISSION;

H.B. 1569, A BILL TO BE ENTITLED AN ACT TO IMPOSE THE INSURANCE REGULATORY CHARGE ON SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS;

H.B. 1588, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO AMEND THE WORKERS' COMPENSATION ACT AND THE

INSURANCE LAWS TO REVISE THE METHOD BY WHICH INSURANCE COMPANIES ARE ASSESSED; and

H.B. 1590, A BILL TO BE ENTITLED AN ACT TO REPEAL POLICY FORM FILING FEES AND HEALTH MAINTENANCE ORGANIZATION ANNUAL REPORT FEES: TO INCREASE CERTAIN COMPANY LICENSE RENEWAL FEES COLLECTED BY THE DEPARTMENT OF INSURANCE; AND TO MAKE NECESSARY CHANGES IN INSURER FINANCE LAWS.

The bills are placed on the Unfavorable Calendar.

CONFERENCE REPORT

Representative Shubert sends forth the Conference Report on House Committee Substitute for **S.B. 1124,** A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 26.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 74,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of October 26.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

MESSAGE FROM THE SENATE

The following is received from the Senate:

Senate Committee Substitute for **H.B. 926,** A BILL TO BE ENTITLED AN ACT PERTAINING TO PREFERRED PROVIDER

CONTRACTS, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 26.

Upon concurrence, the Senate committee substitute bill changes the title.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

Representative Neely, for the Committee on Judiciary II, reports the following bills with an indefinite postponement report:

H.B. 135, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;

H.B. 200, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;

H.B. 201, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO CHAPTER 48 OF THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;

H.B. 220, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION;

Committee Substitute for **H.B. 379,** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS;

H.B. 528, A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT 30 AND PROSECUTORIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B;

H.B. 640, A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE;

H.B. 902, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING;

H.B. 996, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE POLICY ON EMPLOYMENT OF PRISONERS;

H.B. 1406, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;

H.B. 1466, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND TO EXTEND THE CIVIL PROCEDURE STUDY COMMISSION;

Committee Substitute for **H.B. 1495,** A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE; and

H.B. 1496, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNOR'S DWI TASK FORCE AND THE JOINT CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO REVISE THE DWI FORFEITURE LAWS AND OTHER RELATED LAWS; TO PROVIDE FOR "ZERO-TOLERANCE" FOR COMMERCIAL DRIVERS, DRIVERS OF SCHOOL BUSES, SCHOOL ACTIVITY BUSES AND CHILD CARE VEHICLES, AND TO PROVIDE FOR IMMEDIATE ADMINISTRATIVE LICENSE REVOCATIONS FOR ALL PERSONS UNDER 21 YEARS OF AGE; AND TO ELIMINATE THE INFRACTION TREATMENT OF PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY 19 OR 20 YEAR OLD AND TO MAKE CONFORMING CHANGES.

The bills are placed on the Unfavorable Calendar.

The House stands adjourned at 3:37 p.m.

TWO HUNDRED TWENTIETH DAY

HOUSE OF REPRESENTATIVES
Monday, October 26, 1998

The House meets at 6:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Gracious God from whom all blessings flow, pour down upon this Body power and wisdom from heaven so that in these last days every plant which brings forth fruit, every tree which is pruned, and every person who is present may honor You and may honor Your children with legislation, services, and with the grace endured by You alone.

"Open our eyes that all may see, glimpses of truth Thou has for us. And, let Your will, O God, and Your eternal mercy guide us on this and everyday world without end. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 22 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (85-2).

Representatives Cunningham and Nesbitt request and are granted permission to be recorded as voting "aye". The adjusted vote total is (87-2).

Leaves of absence are granted Representatives Arnold, Baddour, Berry, Blue, Dickson, Fox, Kinney, Kiser, Luebke, Mercer, Redwine, Warwick, and Womble for today.

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1554, AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.B. 666, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH, PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, AND TO ANNEX AN AREA TO THE VILLAGE OF PINEHURST.

S.B. 1312, AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.B. 1248, AN ACT TO PROTECT NORTH CAROLINA CITIZENS FROM LOSSES DUE TO FEDERAL TOBACCO LEGISLATION OR TOBACCO LITIGATION AND TO PROVIDE THAT FUNDS RECEIVED DUE TO TOBACCO SETTLEMENTS AND RELATED CONGRESSIONAL LEGISLATION SHALL BE SPENT PURSUANT TO APPROPRIATION BY THE GENERAL ASSEMBLY. (S.L. 1998-191)

H.B. 1114, AN ACT PROVIDING THAT CERTAIN LOCAL GOVERNMENTS MAINTAIN THE SWIFT CREEK MANAGEMENT PLAN AS AGREED TO BY THOSE JURISDICTIONS. (S.L. 1998-192)

S.B. 656, AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS. (S.L. 1998-193)

H.B. 1371, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT

COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS. (S.L. 1998-194)

S.B. 1202, AN ACT TO AUTHORIZE COUNTY CONVEYANCE OF SURPLUS AUTOMOBILES TO A NOT-FOR-PROFIT RECIPIENT FOR SUBSEQUENT CONVEYANCE TO WORK FIRST PARTICIPANTS. (S.L. 1998-195)

S.B. 333, AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES ACT. (S.L. 1998-196)

H.B. 1126, AN ACT TO EXEMPT LOCAL PAY PHONE SERVICES FROM SALES TAX. (S.L. 1998-197)

S.B. 1287, AN ACT TO CLARIFY THE LAW REGARDING HEALTH CARE POWERS OF ATTORNEY AND ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT BASED ON RECOMMENDATIONS OF THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE. (S.L. 1998-198)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS AND TO CLARIFY THE RESERVED RIGHTS OF THE PUBLIC IN OCEAN BEACHES SEAWARD OF THE VEGETATION LINE, with recommendation that the House concur.

The Senate committee substitute bill is placed on the Calendar of October 27.

S.J.R. 1597, A JOINT RESOLUTION AUTHORIZING THE 1997 GENERAL ASSEMBLY, REGULAR SESSION 1998, TO CONSIDER A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF

THE APPOINTMENT OF SAMUEL JAMES ERVIN, IV MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with an unfavorable report.

The resolution is placed on the Unfavorable Calendar.

S.J.R. 1599, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF SAMUEL JAMES ERVIN, IV MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with an unfavorable report.

The resolution is placed on the Unfavorable Calendar.

By Representatives Holmes, Esposito, Creech, and Crawford, Co-Chairs, for the Committee on Appropriations:

Committee Substitute for **H.B. 1321,** A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE COURT SYSTEM BY IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA AND TO MAKE OTHER CHANGES IN THE OPERATIONS OF THE COURTS, with favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), House Committee Substitute Bill No. 2 is placed on the Calendar. House Committee Substitute Bill No. 1 is placed on the Unfavorable Calendar.

Representatives Gardner, Cansler, and Clary, Co-Chairs, for the Permanent Subcommittee on Human Resources reported to the standing committee on Appropriations with recommendation that the following bills be postponed indefinitely:

Committee Substitute for **H.B. 73,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE SHARE OF NONFEDERAL PAYMENTS FOR MEDICAL ASSISTANCE AND SOCIAL SERVICES FOR CERTAIN ECONOMICALLY DISADVANTAGED COUNTIES;

H.B. 171, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL

RESOURCES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 551, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS;

H.B. 716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ADULT DAY CARE PROGRAM;

H.B. 717, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OPERATION, CONSTRUCTION, AND RENOVATION OF SENIOR CENTERS;

H.B. 827, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 906, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE PLACEMENT FOR ADOPTION OF SPECIAL NEEDS AND OTHER CHILDREN;

H.B. 931, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 932, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR THE IMPROVED TREATMENT OF SCHIZOPHRENIA AND TO STUDY ITS EFFECTIVENESS;

H.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO FIND SAFE, PERMANENT HOMES FOR ABUSED AND NEGLECTED CHILDREN;

H.B. 1216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW STATE CHILD SUPPORT OFFICE IN ANSON COUNTY;

H.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR VOLUNTEER DEVELOPMENT PROGRAMS;

H.B. 1297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE MEDICAID BENEFITS TO CERTAIN AGED AND DISABLED PERSONS;

H.B. 1298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS FOR SENIOR CENTERS;

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTERS;

H.B. 1300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AREA AGENCIES ON AGING;

H.B. 1500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MANNA FOOD BANK FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY AND THE PURCHASE OF A TRUCK;

H.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS;

H.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF GENETIC HEALTH CARE SERVICES TO ASSIST IN THE PREVENTION OF INFANT MORTALITY AND OTHER DISEASES AND DISABILITIES RELATED TO GENETIC DISORDERS;

H.B. 1603, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.;

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SENIOR PHARMASSIST PROGRAM IN DURHAM COUNTY;

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 1691, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR THE CREATION OF AN INNOVATIVE PARENTING PROGRAM TO ASSIST SINGLE PARENTS IN COMPLETING THEIR EDUCATION AND BECOMING SELF-RELIANT;

H.B. 1692, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WELFARE WORK FIRST PROGRAM, TO MAKE IT MORE EQUITABLE AND UNIFORMLY APPLIED, AND TO APPROPRIATE FUNDS;

H.B. 1716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUING WORK OF THE OSTEOPOROSIS TASK FORCE;

H.B. 1742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BLUE RIDGE AREA MENTAL HEALTH CENTER TO INCREASE CONTRACTED BED UTILIZATION AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.; and

H.B. 1746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS.

CONFERENCE REPORT

Representative Shubert moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 1124

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1124, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS, House Committee Substitute Favorable 7/15/98, submit the following report:

The Senate and the House agree to the following amendments to the House Committee Substitute Favorable 7/15/98, and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 8, through page 2, line 44, by rewriting the lines to read:

"Section 1. Article 20 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

§ 115C-296.1. Teacher shortages; certification.

(a) Notwithstanding any other law, if a local board determines there is or anticipates there will be a shortage of qualified teachers with North Carolina certificates available to teach specified subjects or grade levels, then the local board may employ as teachers individuals who do not meet the State Board's requirements for initial or continuing State certification. The local board may employ an individual under this subsection for up to one year under a provisional certificate so long as:

(1) Each individual has a postsecondary degree that is at least a bachelors degree.

(2) Each individual has:

a. An out-of-State certificate authorizing the individual to teach the grade or subject to be taught and at least one year of classroom teaching experience the board considers relevant to the grade or subject to be taught;

b. At least one year of full-time classroom teaching experience as a professor, assistant professor, associate professor, instructor, or visiting lecturer at a constituent institution of The University of North Carolina, a North Carolina community college, or other institution of higher education as defined in G.S. 90-270.2(5) provided the board considers the experience relevant to the grade or subject to be taught; or

c. Three years of other experience provided the board determines that both the individual's experience and postsecondary education are relevant to the grade or subject to be taught.

(3) Each individual is eligible for re-employment by his or her prior employer.

(4) The board has developed a plan to determine the individual's competence as a teacher. The board's plan shall include a review of the performance of students taught by the individual.

(5) During the period of employment under this subsection, the board provides a mentor teacher if the individual does not have a year of classroom teaching experience.

(6) During the period of employment under this subsection, the individual receives an annual evaluation and multiple observations under G.S. 115C-333(a).

(b) A local board may re-employ as a teacher an individual the board initially employed under subdivision (a) (2)a of this section. This individual is then deemed to have satisfied the academic and professional preparation required to receive an initial or continuing State teacher certificate and is not required to take and pass a standard examination to demonstrate that preparation. An individual who receives an initial or continuing State certificate under this subsection is subject to the same requirements for continuing certification and certificate renewal as other teachers who hold initial or continuing State teacher certificates.

(c) A local board may re-employ as a teacher an individual the board initially employed under subdivisions (a) (2)b and (a) (2)c of this section. If the individual, within one year of the initial employment, takes and passes the standard examination adopted by the State Board under G.S. 115C-296(a) that is applicable to the grade or subject the individual is employed to teach, then upon re-employment, the individual is deemed to have satisfied the academic and professional preparation required to receive an initial State teacher certificate. An individual who receives an initial certificate under this subsection is subject to the same requirements for continuing certification as other teachers who hold initial State teacher certificates. If the individual, within one year of the initial employment, does not take and pass the standard examination adopted by the State Board under G.S. 115C-296(a) that is applicable to the grade or subject the individual is employed to teach, then upon re-employment the individual shall continue to hold a provisional certificate and is subject to G.S. 115C-296(c).

(d) Local boards shall report semi-annually to the State Board the number of individuals employed as teachers under each sub-subdivision of subdivision (2) of subsection (a) of this section.'

Section 2. This act is effective when it becomes law and expires September 1, 2002, except that it remains effective for any teacher employed under this act before September 1, 2002.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: October 1, 1998.

Conferees for the Senate

Conferees for the House of Representatives

S/ Fletcher L. Hartsell, Jr., Chairman S/ Fern H. Shubert, Chair
S/ Howard N. Lee S/ Richard T. Morgan
S/ Leslie Winner

The Conference Report is adopted, by electronic vote (60-36), and the Senate is so notified by Special Message.

Representatives Watson and Preston request and are granted permission to be recorded as voting "aye". Representative Moore requests and is granted permission to be recorded as voting "no". The adjusted vote total is (61-37).

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 74,** A BILL TO BE ENTITLED AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING.

On motion of Representative Cansler, the House concurs in Senate Committee Substitute Bill No. 2, which changes the title, by electronic vote (93-4), and the bill is ordered enrolled and presented to the Governor.

Representative Shubert requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (94-4).

Senate Committee Substitute for **H.B. 926,** A BILL TO BE ENTITLED AN ACT PERTAINING TO PREFERRED PROVIDER CONTRACTS.

On motion of Representative Brawley, and without objection, the bill is temporarily displaced.

House Committee Substitute No. 4 for **S.B. 421,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IF APPROVED BY THE VOTERS IN THE 2000 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO, WITHOUT REIMBURSEMENT, (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO

THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

Representative Allred offers Amendment No. 1.

Representative Ellis moves, seconded by Representative Daughtry, that Amendment No. 1 be tabled. The motion fails by electronic vote (30-68).

Representative Blue inquires of the Chair if the vote on Amendment No. 1 can be divided from the vote on the bill.

The Speaker rules that Rule 24.1B applies only to the division of amendments and not to division of bills.

Amendment No. 1 fails of adoption by electronic vote (47-51).

The bill fails to pass its second reading, by the following vote.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Allred, Bonner, Buchanan, Cole, Crawford, Dedmon, Eddins, Esposito, Grady, Holmes, Jarrell, Jeffus, Miller, Moore, Morgan, Nesbitt, Saunders, Shubert, Smith, Starnes, Thompson, and Watson - 24.

Voting in the negative: Representatives Alexander, Allen, Baker, Barbee, Barefoot, Beall, Blue, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Cansler, Capps, Carpenter, Church, Clary, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dockham, Earle, Easterling, Gardner, Goodwin, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Howard, H. Hunter, Hurley, Insko, Ives, Justus, McAllister, McComas, McCombs, McCrary, Michaux, Mitchell, Mosley, Neely, Nichols, Nye, Oldham, Owens, Ramsey, Rayfield, Reynolds, Rogers, Russell, Sexton, Sherrill, Sutton, Tolson, Wainwright, Warner, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 73.

Excused absences: Representatives Arnold, Baddour, Berry, Dickson, Fox, Kinney, Kiser, Luebke, Mercer, Redwine, Warwick, and Womble - 12.

Senate Committee Substitute for **H.B. 926,** A BILL TO BE ENTITLED AN ACT PERTAINING TO PREFERRED PROVIDER CONTRACTS, which was temporarily displaced, is before the Body.

On motion of Representative Brawley, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (100-0), and the bill is ordered enrolled and presented to the Governor.

BILL PLACED ON CALENDAR

Pursuant to Rule 36(a), House Committee Substitute No. 2 for **S.B. 1552,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, AND TO GIVE RELIEF TO CORPORATIONS AND LIMITED LIABILITY COMPANIES THAT HAVE BEEN ADMINISTRATIVELY DISSOLVED OR MAY BE ADMINISTRATIVELY DISSOLVED BECAUSE OF FAILURE TO FILE A CORPORATE ANNUAL REPORT, is placed on today's Calendar.

Representative Daughtry offers Amendment No. 1 which is adopted by electronic vote (99-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Alexander, Allen, Allred, Baker, Barbee, Barefoot, Beall, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardy, Hensley, Hiatt, Hightower, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, McAllister, McComas, McCombs, McCrary, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 99.

Voting in the negative: Representatives Brawley and Hardaway - 2.

Excused absences: Representatives Arnold, Baddour, Berry, Dickson, Fox, Kinney, Kiser, Luebke, Mercer, Redwine, Warwick, and Womble - 12.

CONFERENCE REPORT

Representative Holmes sends forth the Conference Report on House Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 27.

The Speaker rules the Conference Report to be material thus constituting its first reading.

Representative Morgan moves, seconded by Representative Buchanan, that the House adjourn, subject to the receipt of Messages from the Senate, the receipt of Conference Reports, and the receipt of Committee Reports, to reconvene October 27 at 2:00 p.m.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute No. 2 for **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 27.

CONFERENCE REPORT

Representative Clary sends forth the Conference Report on House Committee Substitute for **S.B. 916,** A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 27.

The House stands adjourned at 8:20 p.m.

TWO HUNDRED TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES
Tuesday, October 27, 1998

The House meets at 2:00 p.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"Eternal and Most Merciful God, from the very beginning of time, You have demonstrated Your patience with us. When our love and faith failed, Your love has remained steadfast, firm, and true.

"O Lord, our God, today hopefully represents the culmination of much time, energy, struggle, disagreement, compromise, give-and-take, and a genuine attempt to bring together our many varied ideological and philosophical differences.

"We thank You for those persons who have labored long and hard to work on behalf of others. Now, as their mutual efforts are brought before this Body for consideration, may Your Spirit guide us, direct us, and lead us to do what is right for the people of the great State of North Carolina.

"Humble each one of us, right now, right where we are. Keep us from all that seeks to separate us, divide us, and may otherwise seek to delay or even destroy the process of compromise and completion.

"Search us and know us, O God. Mend within each of us all that is broken. Nurture within each one of us all that is pure. Bring us at last to Thy Holy Presence, so that as we rest in Thy shadow, our lives may find completeness indeed, even salvation in Thee. Amen."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 26 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (100-1).

Leaves of absence are granted Representatives Dickson and Womble for today. Representatives Davis, Fox, Hall, Kiser, Justus, and Nesbitt are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 74, AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING.

H.B. 926, AN ACT PERTAINING TO CHANGES IN THE INSURANCE LAWS AND RELATED LAWS.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1629, AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, TO ANNEX AN AREA AS DESCRIBED INTO THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, AND GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS.

S.B. 1424, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 801, AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT. (S.L. 1998-199)

S.B. 666, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH, PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL

IMMUNITY, AND TO ANNEX AN AREA TO THE VILLAGE OF PINEHURST. (S.L. 1998-200)

S.B. 1312, AN ACT TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION. (S.L. 1998-201)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

H.J.R. 1498, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, with a favorable report as to committee substitute joint resolution, unfavorable as to original joint resolution.

Pursuant to Rule 36(a), the committee substitute joint resolution is placed on the Calendar of October 28. The original joint resolution is placed on the Unfavorable Calendar.

Senate Committee Substitute for **S.B. 169,** A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar. The Senate committee substitute bill is placed on the Unfavorable Calendar.

Representatives Holmes, Esposito, Creech, and Crawford, Co-Chairs, for the Committee on Appropriations report the following bills with an indefinite postponement report:

Committee Substitute for **H.B. 126,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH

CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND;

Committee Substitute for **H.B. 127,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE RATES OF REIMBURSEMENT FOR LODGING AND MILEAGE EXPENSES INCURRED BY STATE OFFICERS AND EMPLOYEES IN CONNECTION WITH TRAVEL ON OFFICIAL BUSINESS AND PROVIDING FOR REIMBURSEMENT FOR TAXES PAID ON LODGING WHILE ON OFFICIAL BUSINESS;

H.B. 162, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES;

H.B. 209, A BILL TO BE ENTITLED AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE OF UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES;

H.B. 232, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION AND ENHANCEMENT OF THE MEDICAL EVALUATION PROGRAM IN THE DIVISION OF MOTOR VEHICLES AS RECOMMENDED BY THE DRIVER MEDICAL EVALUATION PROGRAM STUDY COMMISSION;

H.B. 264, A BILL TO BE ENTITLED AN ACT TO ALLOW ADDITIONAL RETROACTIVE MEMBERSHIP IN THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND;

H.B. 329, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR SMALL FARM ASSISTANCE;

H.B. 352, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ERADICATE HYDRILLA IN LAKE GASTON;

H.B. 392, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES;

Committee Substitute for **H.B. 480,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS;

H.B. 489, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MOUNTAIN STATE FAIR;

H.B. 492, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES;

H.B. 493, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES;

H.B. 543, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE SUPPORT FOR THE CAROLINA CHILDREN'S COMMUNICATIVE DISORDERS PROGRAM TO IMPLEMENT THE COCHLEAR IMPLANT PROCEDURE AND OTHER SERVICES FOR DEAF CHILDREN;

H.B. 639, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY FOR THE RESERVE FOR FARM LOANS;

H.B. 641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING;

H.B. 642, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE RETIREMENT BENEFITS PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM;

H.B. 749, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ONSLOW COUNTY FOR CAPITAL EXPENSES IN CONSTRUCTING A NEW EMERGENCY OPERATIONS CENTER;

H.B. 802, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF AN AGRI-COMMUNITY CENTER TO BE LOCATED IN DUPLIN COUNTY;

H.B. 805, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH A BATTERERS' PROGRAM TO SERVE BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES;

H.B. 813, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY;

Committee Substitute for **H.B. 849,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PIEDMONT TRIAD CENTER FOR ADVANCED MANUFACTURING;

H.B. 911, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SEXUAL ASSAULT PREVENTION AND PROGRAMS;

H.B. 960, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO FUND A NEW VISITING ARTISTS PROGRAM;

H.B. 983, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ACQUIRE THE PRIVATE SHARES OF THE NORTH CAROLINA RAILROAD COMPANY AND FOR OTHER PURPOSES;

H.B. 1022, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO TRANSFER CREDITABLE SERVICE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM;

Committee Substitute for **H.B. 1031,** A BILL TO BE ENTITLED AN ACT TO PROVIDE A RETIREMENT INCENTIVE BY GRANTING A SEPARATION ALLOWANCE FOR ALL ELIGIBLE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM;

Committee Substitute for **H.B. 1081,** A BILL TO BE ENTITLED AN ACT TO AMEND LAWS GOVERNING CONDEMNATION TO AUTHORIZE AWARD OF ATTORNEYS' FEES;

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE WILDLIFE ENFORCEMENT OFFICERS AT LAKE NORMAN;

H.B. 1167, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MAKING IT UPSTREAM PROGRAM FOR RESIDENTIAL REHABILITATIVE SERVICES TO MALE YOUTHS WHO HAVE BEEN ENGAGED IN SERIOUS CRIMINAL ACTIVITY, MAJOR DRUG ADDICTION, OR HIGHLY DESTRUCTIVE BEHAVIORS;

H.B. 1179, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LAND LOSS PREVENTION PROJECT, INC., TO PROVIDE LEGAL ASSISTANCE TO FINANCIALLY DISTRESSED FAMILY FARMERS;

H.B. 1196, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST THE TRANSYLVANIA VOCATIONAL SERVICES, INC., IN CONSTRUCTING A NEW FACILITY;

H.B. 1209, A BILL TO BE ENTITLED AN ACT TO REQUIRE MEDICAL INSTITUTIONS AND UNIVERSITY HOSPITALS THAT RECEIVE STATE FUNDS TO INCLUDE WOMEN AS SUBJECTS IN MEDICAL RESEARCH PROJECTS, AS APPROPRIATE, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR A STUDY RELATED TO WOMEN AS SUBJECTS IN MEDICAL RESEARCH PROJECTS;

H.B. 1215, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS OF THE OFFICE OF ADMINISTRATIVE HEARINGS CONCERNING INJUNCTIVE RELIEF AND TO ADD TWO POSITIONS TO THAT OFFICE;

H.B. 1250, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE MARINE FISHERIES COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE EXPANDED COMMISSION;

H.B. 1265, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROWLAND FOR THE REDESIGN AND RECONSTRUCTION OF THE ROWLAND RECREATION PARK;

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIRMONT FOR THE DEVELOPMENT AND CONSTRUCTION OF A PARK;

H.B. 1267, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF MAXTON FOR THE REHABILITATION OF THE RECREATION CENTER AND GYM BUILT IN THE EARLY 1940'S BY THE DAVIS BROTHERS;

Committee Substitute for **H.B. 1269,** A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA GOVERNMENT COMPETITION COMMISSION TO PROVIDE FOR BETTER GOVERNMENT IN NORTH CAROLINA THROUGH A COMPREHENSIVE STATE GOVERNMENT COMPETITION INITIATIVE;

H.B. 1270, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES AT THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY;

H.B. 1282, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA MUSEUM OF FORESTRY;

H.B. 1283, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA MUSEUM OF FORESTRY;

H.B. 1287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE CONTINUED CAPITAL

DEVELOPMENT OF THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER;

H.B. 1291, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE WILKES COUNTY COURTHOUSE;

H.B. 1292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION AND PLANNING OF CAPITAL IMPROVEMENTS AND RELATED PROJECTS AT NORTH CAROLINA STATE UNIVERSITY;

H.B. 1313, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RICHMOND COUNTY FOR THE CAPITAL COSTS OF COMPLETING THE NEW HUMAN SERVICES COMPLEX IN RICHMOND COUNTY SO THAT IT CAN PROVIDE A CENTRAL LOCATION FOR THE AGRICULTURAL AGENCIES THAT SERVE VARIOUS COUNTIES IN THE REGION;

H.B. 1322, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BEACH RENOURISHMENT FUND, TO ESTABLISH THE TRUSTEES OF THE FUND, TO RESERVE FIVE PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE BEACH RENOURISHMENT FUND, AND TO MAKE CONFORMING STATUTORY CHANGES;

H.B. 1323, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE CLASS SIZE IN LOW-PERFORMING ELEMENTARY SCHOOLS;

H.B. 1331, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO KEYS COMMUNITY REHABILITATION PROGRAM, INC., FOR CAPITAL IMPROVEMENTS;

Committee Substitute for **H.B. 1333,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CODIFIER OF RULES TO PUBLISH THE NORTH CAROLINA REGISTER AND THE NORTH CAROLINA ADMINISTRATIVE CODE ON THE INTERNET;

Committee Substitute for **H.B. 1337,** A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO

INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND;

Committee Substitute for **H.B. 1350,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUSINESS LICENSE INFORMATION OFFICE OF THE SECRETARY OF STATE'S OFFICE TO PROVIDE INFORMATION AND ASSISTANCE TO SMALL BUSINESSES, AS RECOMMENDED BY THE BUSINESS DEVELOPMENT STUDY COMMITTEE OF THE LEGISLATIVE RESEARCH COMMISSION AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT;

H.B. 1390, A BILL TO BE ENTITLED AN ACT TO RESERVE FOUR PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE HOUSING TRUST FUND AND TO RESERVE TWO PERCENT OF THE UNRESERVED CREDIT BALANCE IN THE GENERAL FUND AT THE END OF EACH FISCAL YEAR TO THE DEPARTMENT OF COMMERCE FOR THE CENTER FOR COMMUNITY SELF-HELP;

H.B. 1395, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING SCHOOLS MAKE IMPROVEMENT;

H.B. 1414, A BILL TO BE ENTITLED AN ACT TO RETURN TO THE PRE-1991-92 PRACTICE OF SHARING SCHOOL UTILITY COSTS WITH THE COUNTIES;

H.B. 1425, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE FLEXIBILITY;

Committee Substitute for **H.B. 1435,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCLUDE STATE-OPERATED FACILITIES AND RESIDENTIAL FACILITIES AND HOSPITALS FOR THE MENTALLY ILL, DEVELOPMENTALLY DISABLED, AND SUBSTANCE ABUSERS IN THE HEALTH CARE PERSONNEL REGISTRY;

Committee Substitute for **H.B. 1440,** A BILL TO BE ENTITLED AN ACT TO RECONFORM THE MILEAGE REIMBURSEMENT FOR

OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES;

H.B. 1467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO A NONREVERTING RESERVE FOR THE START-UP COSTS OF THE SOUTHERN DAIRY COMPACT COMMISSION AND THE INITIAL COSTS OF ADMINISTERING AND ENFORCING THE SOUTHERN DAIRY COMPACT AND TO PROVIDE FOR THE REPAYMENT OF THOSE FUNDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

Committee Substitute for **H.B. 1470,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A PILOT PROGRAM OF SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY ISSUES;

Committee Substitute for **H.B. 1486,** A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE MONITORING AND MODELING OF THE NEUSE RIVER AND ESTUARY UNDER THE NEUSE RIVER MODELING AND MONITORING (MODMON) PROJECT; TO REQUIRE THE WATER RESOURCES RESEARCH INSTITUTE TO COORDINATE, SUPPORT, AND EXPEDITE NEUSE RIVER RESEARCH; TO APPROPRIATE FUNDS TO EXPAND THE MODMON PROJECT; AND TO PROVIDE FOR ALTERNATIVE FUNDING OF THE MODMON PROJECT BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE WATER RESOURCES RESEARCH INSTITUTE TO SEEK ADDITIONAL FUNDING FOR THE MODMON PROJECT FROM AVAILABLE STATE, FEDERAL, AND PRIVATE SOURCES AND TO AUTHORIZE THE DEPARTMENT TO USE REVERSIONS FOR THE MODMON PROJECT;

H.B. 1488, A BILI TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS;

Committee Substitute for **H.B. 1516,** A BILL TO BE ENTITLED AN ACT TO ENHANCE THE RETIREMENT BENEFITS PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM,

THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM;

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING AND STRENGTHEN COMMUNITIES;

H.B. 1543, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF DEALERS IN POULTRY AND RATITES, TO PROHIBIT SPECIALTY MARKET OPERATORS FROM PERMITTING UNREGISTERED POULTRY OR RATITE DEALERS FROM OPERATING AT SPECIALTY MARKETS, AND TO APPROPRIATE FUNDS FOR THE ENFORCEMENT OF THESE REGISTRATION REQUIREMENTS;

H.B. 1545, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR INSPECTIONS AND ISSUANCE OF BRANDED TITLES FOR CERTAIN MOTOR VEHICLES;

H.B. 1553, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENATOR BOB MARTIN EASTERN AGRICULTURAL CENTER;

H.B. 1560, A BILL TO BE ENTITLED AN ACT TO PROVIDE ASSISTANCE FOR SMALL, FAMILY-OWNED FARMS THROUGH GRANTS AND LOANS;

H.B. 1582, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1998, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS;

H.B. 1584, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM;

H.B. 1606, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY COLLEGE IN UNION COUNTY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE;

H.B. 1621, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DEMONSTRATION PROGRAM FOR PERMITTING AND CLOSELY MONITORING ANIMAL WASTE MANAGEMENT SYSTEMS THAT DO NOT USE AN ANAEROBIC LAGOON FOR THE PRIMARY METHOD OF DISPOSING OF ANIMAL WASTE FOR THE PURPOSE OF IDENTIFYING OTHER FEASIBLE ANIMAL WASTE MANAGEMENT TECHNOLOGIES;

H.B. 1644, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY;

Committee Substitute for **H.B. 1646,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF SEAT BELTS ON SCHOOL ACTIVITY BUSES AND TO REQUIRE THE STATE BOARD OF EDUCATION TO PAY THE ADDITIONAL COSTS FOR SEAT BELTS ON ALL NEW SCHOOL ACTIVITY BUSES;

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PIEDMONT TRIAD FARMERS MARKET;

H.B. 1669, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO REQUIRE THAT THE DETERMINATION OF DISABILITY BE MADE BY THE PLAN'S MEDICAL BOARD AND TO MAKE CERTAIN OTHER CHANGES;

H.B. 1681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY TRUST FUND;

H.B. 1687, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DISASTER RELIEF TRUST FUND;

H.B. 1701, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM IN ALAMANCE COUNTY TO DETERMINE THE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK RELEASE;

H.B. 1706, A BILL TO BE ENTITLED AN ACT TO REQUIRE SEX OFFENDERS TO OBTAIN EVALUATION AND TREATMENT AT AREA MENTAL HEALTH CENTERS AS A SPECIAL CONDITION OF PROBATION, AND TO APPROPRIATE FUNDS THEREFOR;

H.B. 1715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE VOLUNTEER FIRE DEPARTMENT AND VOLUNTEER RESCUE/EMS FUNDS AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES;

H.B. 1719, A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS; and

H.B. 1721, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF DEVELOPING A STATE PARK IN THE AREA OF LAKE GASTON IN HALIFAX COUNTY.

The bills are placed on the Unfavorable Calendar.

CONFERENCE REPORT TEMPORARILY DISPLACED

On motion of Representative Holmes, the Conference Report on House Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, is temporarily displaced.

CONFERENCE REPORT

Representative Sherrill moves the adoption of the following Conference Report.

House Committee Substitute for S.B. 916

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 916, A BILL TO BE

ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY, Fourth Edition Engrossed 9/16/98, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute, Fourth Edition Engrossed 9/16/98, and the Senate concurs in the House Committee Substitute as amended:

on page 18, line 9, delete the word "One" and substitute the word "Two";

on page 18, line 11, delete the word "one" and substitute the word "two";

on page 18, line 13, delete the word "three" and substitute the word "one";

on page 18, between lines 14 and 15, insert between those lines the following:
"(2) One member shall be a physician licensed pursuant to Article 1 of Chapter 90 of the General Statutes. The appointment shall be made by the Governor and may be made from a list provided by the North Carolina Medical Society."

On page 18, lines 15-22, rewrite those lines to read as follows:
"(3) One member shall be a member of the general public who shall not be licensed under Chapter 90 of the General Statutes or the spouse of a person who is so licensed, or have any financial interest, directly or indirectly, in the profession regulated under this Article. The appointment shall be made by the Governor."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 26, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ John H. Kerr, III	S/ Debbie A. Clary
S/ John H. Carrington	S/ Richard T. Morgan
S/ Betsy L. Cochrane	S/ Wilma Sherrill
S/ David W. Hoyle	S/ Rex L. Baker

The Conference Report is adopted, by electronic vote (99-4), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute for **H.B. 1448,** A BILL TO BE ENTITLED AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

On motion of Representative Preston, the House concurs in the Senate committee substitute, which changes the title, by electronic vote (107-0), and the bill is ordered enrolled and presented to the Governor.

Senate Committee Substitute No. 2 for **H.B. 1720,** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY.

On motion of Representative Culpepper, the House concurs in Senate Committee Substitute Bill No. 2 , by electronic vote (108-0), and the bill is ordered enrolled and presented to the Governor.

House Committee Substitute No. 2 for **S.B. 1552,** A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, AND TO GIVE RELIEF TO CORPORATIONS AND LIMITED LIABILITY COMPANIES THAT HAVE BEEN ADMINISTRATIVELY DISSOLVED OR MAY BE ADMINISTRATIVELY DISSOLVED BECAUSE OF FAILURE TO FILE A CORPORATE ANNUAL REPORT.

Representative Miller offers Amendment No. 2 which is adopted by electronic vote (72-39).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Aldridge, Alexander, Allen, Allred, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gardner, Goodwin, Grady, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: None.

Excused absences: Representatives Dickson, Justus, and Womble - 3.

House Committee Substitute No. 2 for **S.B. 475,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS.

Representative Hackney offers Amendment No. 1 which is adopted by electronic vote (112-0).

The bill, as amended, passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Beall, Black, Blue, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Goodwin, Grady,

Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 101.

Voting in the negative: Representatives Allred, Baker, Berry, Carpenter, Davis, Hardy, Kiser, Mitchell, Starnes, and Wood - 10.

Excused absences: Representatives Dickson, Justus, and Womble - 3.

Representative Hardy requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (102-9).

House Committee Substitute for **S.B. 873,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION.

On motion of Representative Morgan, the bill is temporarily displaced.

House Committee Substitute for **S.B. 304,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT WERE TO BECOME EFFECTIVE JULY 1, 1998, passes its second reading, by electronic vote (59-54), and there being no objection is read a third time.

The bill passes its third reading, by electronic vote (61-51), and is ordered sent to the Senate for concurrence in House committee substitute bill by Special Message.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1448, AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS, AND TO

RECOGNIZE THE COMMON LAW RIGHT OF THE PUBLIC TO THE CUSTOMARY FREE USE AND ENJOYMENT OF THE OCEAN BEACH.

H.B. 1720, AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

Representatives Russell and Shubert, Co-Chairs, for the Committee on Education report the following bills with an indefinite postponement report:

H.B. 76, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ISSUE LOCAL TEACHING PERMITS;

H.B. 86, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO RECEIVE A REFUND ON SALES TAX PAID FOR ITEMS PURCHASED FROM THE CAPITAL OUTLAY FUND;

H.B. 1372, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND VARIOUS EDUCATION LAWS; and

H.B. 1445, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA.

The bills are placed on the Unfavorable Calendar.

CALENDAR (continued)

House Committee Substitute for **S.B. 873,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION, which was temporarily displaced, is before the Body.

The bill passes its second reading, by the following vote, and remains on the Calendar.

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Allred, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 111.

Voting in the negative: Representative Michaux.

Excused absences: Representatives Dickson, Fox, Kiser, and Womble - 4.

Pursuant to Rule 36(a), the following bill appears on today's Calendar.

House Committee Substitute No. 3 for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE

SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM; AND TO ALLOW CASWELL COUNTY TO ACQUIRE AND IMPROVE PROPERTY FOR USE BY THE COUNTY BOARD OF EDUCATION, passes its second reading, by electronic vote (107-7), and there being no objection is read a third time.

The bill passes its third reading and is ordered sent to the Senate for concurrence in House Committee Substitute Bill No. 3 by Special Message.

WITHDRAWAL OF BILL FROM UNFAVORABLE CALENDAR

On motion of Representative Morgan and without objection, Senate Committee Substitute for **H.B. 1023,** A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE, is withdrawn from the Unfavorable Calendar and re-referred to the Committee on Rules, Calendar, and Operations of the House.

On motion of the Chair, the House recesses at 3:32 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CONFERENCE REPORT

Representative Holmes moves the adoption of the following Conference Report, which was temporarily displaced.

House Committee Substitute for S.B. 1366

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1366, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, House Committee Substitute, Fifth Edition Engrossed 7/22/98, submit the following report:

The House of Representatives and the Senate agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 7/22/98, and the House concurs in the House Committee Substitute, Fifth Edition Engrossed 7/22/98, with the following amendment:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 7/22/98, and substitute the attached Proposed Conference Committee Substitute S1366-PCCS4722-LE.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 26, 1998.

Conferees for the Senate

S/ Aaron W. Plyler, Chair
S/ Beverly M. Perdue
S/ T. L. Odom
S/ Charles W. Albertson
S/ Roy A. Cooper, III
S/ Walter Dalton
S/ Charlie S. Dannelly
S/ Wib Gulley
S/ David W. Hoyle
S/ Thomas K. Jenkins
S/ John H. Kerr, III
S/ Howard N. Lee
S/ Jeanne Hopkins Lucas
S/ William N. Martin
S/ Jim W. Phillips, Sr.
S/ William R. Purcell
S/ Anthony E. Rand
S/ Ed N. Warren
S/ David F. Weinstein
S/ Allen H. Wellons
S/ Leslie Winner

Conferees for the House of Representatives

S/ George M. Holmes, Chair
S/ Rex L. Baker
S/ Joanne W. Bowie
S/ C. Robert Brawley
S/ Lanier M. Cansler
S/ James C. Carpenter
S/ Walter Church, Sr.
S/ Debbie A. Clary
S/ James W. Crawford, Jr.
S/ Billy J. Creech
S/ N. Leo Daughtry
S/ W. Dickson
S/ Jerry C. Dockham
S/ Theresa H. Esposito
S/ Charlotte A. Gardner
S/ Lyons Gray
S/ Julia C. Howard
S/ Howard J. Hunter, Jr.
S/ William Ives
S/ Larry T. Justus
S/ Eugene McCombs
S/ W. Edwin McMahan
S/ Frank Mitchell
S/ Richard T. Morgan
S/ Warren C. Oldham
S/ Jean R. Preston
S/ Carolyn B. Russell
S/ Wilma M. Sherrill
S/ Gregory J. Thompson
S/ Constance K. Wilson
S/ Gene Wilson
S/ Wayne Sexton, Sr.

The material Conference Report is adopted on its second roll call reading, by the following vote, and the Conference Report remains on the Calendar:

Those voting in the affirmative are: Speaker Brubaker; Representatives Adams, Aldridge, Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Davis, Decker, Dedmon, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 112.

Voting in the negative: Representative Fitch.

Excused absences: Representatives Dickson, Fox, Justus, Kiser, and Womble - 5.

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (113-1).

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

Representatives Holmes, Esposito, Creech, and Crawford, Co-Chairs, for the Committee on Appropriations, report the following bills with an indefinite postponement report:

Committee Substitute for **H.B. 73,** A BILL TO BE ENTITLED AN ACT TO REDUCE THE SHARE OF NONFEDERAL PAYMENTS FOR MEDICAL ASSISTANCE AND SOCIAL SERVICES FOR CERTAIN ECONOMICALLY DISADVANTAGED COUNTIES;

H.B. 171, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE;

H.B. 551, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS;

H.B. 716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ADULT DAY CARE PROGRAM;

H.B. 717, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OPERATION, CONSTRUCTION, AND RENOVATION OF SENIOR CENTERS;

H.B. 827, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 906, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE PLACEMENT FOR ADOPTION OF SPECIAL NEEDS AND OTHER CHILDREN;

H.B. 931, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 932, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR THE IMPROVED TREATMENT OF SCHIZOPHRENIA AND TO STUDY ITS EFFECTIVENESS;

H.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO FIND SAFE, PERMANENT HOMES FOR ABUSED AND NEGLECTED CHILDREN;

H.B. 1216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW STATE CHILD SUPPORT OFFICE IN ANSON COUNTY;

H.B. 1294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR VOLUNTEER DEVELOPMENT PROGRAMS;

H.B. 1297, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE MEDICAID BENEFITS TO CERTAIN AGED AND DISABLED PERSONS;

H.B. 1298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS FOR SENIOR CENTERS;

H.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTERS;

H.B. 1300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AREA AGENCIES ON AGING;

H.B. 1500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MANNA FOOD BANK FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE AND DISTRIBUTION FACILITY AND THE PURCHASE OF A TRUCK;

H.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS;

H.B. 1580, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF GENETIC HEALTH CARE SERVICES TO ASSIST IN THE PREVENTION OF INFANT MORTALITY AND OTHER DISEASES AND DISABILITIES RELATED TO GENETIC DISORDERS;

H.B. 1603, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.;

H.B. 1604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND;

H.B. 1685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SENIOR PHARMASSIST PROGRAM IN DURHAM COUNTY;

H.B. 1689, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY;

H.B. 1691, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR THE CREATION OF AN INNOVATIVE PARENTING PROGRAM TO ASSIST SINGLE PARENTS IN COMPLETING THEIR EDUCATION AND BECOMING SELF-RELIANT;

H.B. 1692, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WELFARE WORK FIRST PROGRAM, TO MAKE IT MORE EQUITABLE AND UNIFORMLY APPLIED, AND TO APPROPRIATE FUNDS;

H.B. 1716, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUING WORK OF THE OSTEOPOROSIS TASK FORCE;

H.B. 1742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BLUE RIDGE AREA MENTAL HEALTH CENTER TO INCREASE CONTRACTED BED UTILIZATION AT FIRST STEP FARM OF WESTERN NORTH CAROLINA, INC.; and

H.B. 1746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS.

The bills are placed on the Unfavorable Calendar.

By Representative Barbee for the Committee on Pensions and Retirement:

H.B. 1118, A BILL TO BE ENTITLED AN ACT TO INCREASE RETIREMENT BENEFITS FOR MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM WHOSE BENEFITS WERE SUSPENDED AS A RESULT OF REEMPLOYMENT, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1276, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SEPARATION ALLOWANCE FOR LAW ENFORCEMENT

OFFICERS AND SUBSTITUTE AN INCREASE IN THE RETIREMENT FORMULA, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representatives Justus and Wilson, Co-Chairs, for the Committee on Election Law and Campaign Reform:

H.B. 481, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY DISCLAIMERS REQUIRED BY LAW ON ELECTION ADVERTISING BE LARGE, LEGIBLE, AND NOT MISLEADING, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 663, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1014, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO PREVENT LONG LINES AT THE POLLS ON ELECTION DAY, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1700, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE CAMPAIGN FINANCE LAWS AND TO APPROPRIATE FUNDS FOR ADMINISTRATION, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **S.B. 1428,** A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON

THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

On motion of the Chair and without objection, the rules are suspended and the bill is placed on the Calendar for immediate consideration.

On motion of the Chair, the bill is temporarily displaced.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 1023,** A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE, with recommendation that the House do not concur; request conferees.

On motion of Representative Morgan and without objection, the bill is placed on today's Calendar for immediate consideration.

On motion of Representative Baddour, the House does not concur in the Senate committee substitute, by electronic vote (95-1), and request conferees.

CALENDAR (continued)

Committee Substitute for **S.B. 1428,** A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, which was temporarily displaced, is before the Body.

The bill passes its second reading, by electronic vote (100-0), and there being no objection is read a third time.

Representative Wainwright requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (101-0).

The bill passes its third reading and is ordered enrolled.

CONFEREES APPOINTED

The Speaker announces the following conferees on Senate Committee Substitute for **H.B. 1023,** A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE: Representative Sherrill, Chair, Representatives Baddour and Morgan.

The Senate is so notified by Special Message.

Representative Morgan moves, seconded by Representative Reynolds that the House adjourn, subject to the receipt of Messages from the Senate, the receipt of Conference Reports, and the receipt of Committee Reports, to reconvene October 28 at 8:00 a.m.

The motion carries.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 27, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute for **S.B. 916** (Conference Report) A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 27, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute for **S.B. 1124** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS.

Pursuant to the message that your Honorable Body has adopted the report of the conferees, the President has ordered the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The House stands adjourned at 5:35 p.m.

TWO HUNDRED TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES
Wednesday, October 28, 1998

The House meets at 8:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following prayer is offered by the Reverend Jim Harry, House Chaplain.

"New every morning is your love, great God of light, and all day long You are working for good in the world.

"Stir up in us desire to serve you, to live peacefully with our neighbors, and to devote each day to You.

(Presbyterian Worship Book, U.S.A., 20th Century)

"Eternal God, hallowed be Your name.

"Early in the morning, before we begin our work, we praise Your glory.

"Renew our bodies as fresh as the morning flowers.

"Open our inner eyes, as the sun casts new light upon the darkness.

"Deliver us from all captivity.

"Like the birds of the sky, give us wings of freedom to begin a new journey.

"As a mighty stream running continuously, restore justice and freedom day by day.

"We give You thanks for the life of Cora Mae Basnight, mother of the Senate President Pro Tem, Mark Basnight. May Your Spirit bring comfort to her family in their grief, hope in their sorrow, and assurance of a brighter tomorrow.

"We continue to give You thanks for the recovery of our friend and brother Stan Fox from his recent illness. His presence with us gives us reason to celebrate!

"Finally, we offer these, our efforts, to You as an offering to the people of our great State. May they be pleasing and acceptable in Your sight.

"We thank You for the gift of this morning, and a new day to work with You. Amen."

(Masao Takenaka, Japan, 20th Century, alt.)

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 27 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (84-1).

Leaves of absence are granted Representatives Adams, Culpepper, Fox, Kiser, and Womble for today. Representatives Justus and Mosley are excused for a portion of the session.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 1428, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO EXPAND THE STRUCTURAL PEST CONTROL COMMITTEE.

S.B. 916, AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY.

S.B. 1124, AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS.

S.B. 1552, AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, AND TO GIVE RELIEF TO CORPORATIONS AND LIMITED LIABILITY COMPANIES THAT HAVE BEEN ADMINISTRATIVELY DISSOLVED OR MAY BE ADMINISTRATIVELY DISSOLVED BECAUSE OF FAILURE TO FILE A CORPORATE ANNUAL REPORT.

CHAPTERED BILLS

The following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 1260, AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ESTABLISH THE OFFICE OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES OF THE RECODIFICATION

OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE. (S.L. 1998-202)

H.B. 1629, AN ACT TO REMOVE AN AREA FROM THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, TO ANNEX AN AREA AS DESCRIBED INTO THE CORPORATE LIMITS OF THE CITY OF ASHEBORO, AND GIVE ADDITIONAL AUTHORITY TO THAT CITY TO MAKE VOLUNTARY SATELLITE ANNEXATIONS. (S.L. 1998-203)

S.B. 1424, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE. (S.L. 1998-204)

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees are presented:

By Representative Howard for the Committee on Ethics:

H.B. 735, A BILL TO BE ENTITLED AN ACT TO REVISE THE LEGISLATIVE ETHICS ACT, TO AMEND THE LOBBYING STATUTES, TO AMEND THE LAWS RELATED TO PAYMENT OF TRAVEL AND SUBSISTENCE FOR LEGISLATORS, AND TO AMEND THE CAMPAIGN FINANCING LAWS FOR LEGISLATIVE CANDIDATES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

S.B. 240, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

Committee Substitute for **S.B. 539,** A BILL TO BE ENTITLED AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representatives Buchanan and Sexton, Co-Chairs, for the Committee on Transportation:

Senate Committee Substitute No. 2 for **H.B. 344,** A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representative Allred for the Committee on Ways and Means:

H.B. 835, A BILL TO BE ENTITLED AN ACT TO MODIFY THE METHOD FOR JUDICIAL REVIEW OF DECISIONS OF THE WILMINGTON CITY COUNCIL RELATING TO SPECIAL USE DISTRICT APPLICATIONS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 861, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE'S PUBLIC WORKS COMMISSION TO RETURN PROFITS AND EXCESS MONIES TO ITS CUSTOMERS IN THE FORM OF REBATES OR REDUCED FEES, SUBJECT TO A REFERENDUM, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 1070, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representatives Miner, Berry, Tallent, Hiatt, and Church, Co-Chairs, for the Committee on Commerce:

H.B. 343, A BILL TO BE ENTITLED AN ACT TO RAISE THE STATE MINIMUM WAGE IN ORDER TO INDEX IT TO INFLATION SINCE IT WAS LAST RAISED, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 598, A BILL TO BE ENTITLED AN ACT REQUIRING CERTAIN EMPLOYERS TO PROVIDE MEAL AND REST PERIODS DURING WORKING HOURS UNDER CERTAIN CIRCUMSTANCES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

H.B. 916, A BILL TO BE ENTITLED AN ACT TO PROHIBIT FINANCIAL INSTITUTIONS FROM CHARGING CERTAIN FEES FOR THE USE OF AUTOMATED TELLER MACHINES, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Senate Committee Substitute for **H.B. 1472,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is returned for concurrence in Senate committee substitute bill and re-referred to the Committee on Rules, Calendar, and Operations of the House.

Upon concurrence, the Senate committee substitute bill changes the title.

CONFERENCE REPORT

The material Conference Report for House Committee Substitute for **S.B. 1366,** A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, is adopted on its third roll call reading, by the following vote, and the Senate is so notified by

Special Message. (The Conference Committee Substitute may be found in its entirety in the 1998 Session Laws, Chapter 212.)

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Arnold, Baker, Barbee, Barefoot, Beall, Berry, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dockham, Earle, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, Ives, Jarrell, Luebke, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Morgan, Morris, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wood, Wright, and Yongue - 89.

Voting in the negative: Representative Decker.

Excused absences: Representatives Adams, Culpepper, Fox, Justus, Kiser, Mosley, and Womble - 7.

Representatives Allred, Baddour, Black, Bryant, Cole, Hurley, Jeffus, McComas, Moore, and Russell request to be recorded as voting "aye". These requests are granted. The adjusted vote total is (99-1).

CALENDAR

Action is taken on the following:

House Committee Substitute No. 2 for **S.B. 475,** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS.

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House Committee Substitute Bill No. 2 by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Arnold, Baddour, Barbee, Barefoot, Beall, Black, Blue, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan,

Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Davis, Dedmon, Dockham, Earle, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Moore, Morgan, Morris, Nesbitt, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Rogers, Russell, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 91.

Voting in the negative: Representatives Allred, Baker, Berry, Decker, Mitchell, Starnes, and Wood - 7.

Excused absences: Representatives Adams, Culpepper, Fox, Kiser, Mosley, and Womble - 6.

House Committee Substitute for **S.B. 873,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION.

Representative Michaux offers Amendment No. 1 which is adopted by electronic vote (98-0).

The bill, as amended, passes its third reading, by the following vote, and is ordered engrossed and sent to the Senate for concurrence in House committee substitute bill by Special Message.

Those voting in the affirmative are: Speaker Brubaker; Representatives Alexander, Allen, Arnold, Baddour, Baker, Barbee, Barefoot, Beall, Berry, Black, Blue, Bonner, Boyd-McIntyre, Braswell, Brawley, Brown, Bryant, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Daughtry, Decker, Dedmon, Dockham, Earle, Eddins, Ellis, Esposito, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hardaway, Hardy, Hensley, Hiatt, Hightower, Holmes, Howard, H. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Luebke, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Mitchell, Moore, Morgan, Morris, Nesbitt, Nichols, Oldham, Owens, Preston, Rayfield, Redwine, Reynolds, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Warwick, Watson, Weatherly, C. Wilson, G. Wilson, Wright, and Yongue - 93.

Voting in the negative: None.

Excused absences: Representatives Adams, Culpepper, Fox, Kiser, Mosley, and Womble - 6.

Representative Allred requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (94-0).

House Committee Substitute for **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325; AND TO AMEND THE EXPANDED COMPREHENSIVE SEX EDUCATION PROGRAM.

On motion of Representative Shubert and without objection, the bill is temporarily displaced.

Committee Substitute for **H.J.R. 1498,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, passes its second reading, by electronic vote (103-0), and there being no objection is read a third time.

Representative Hightower requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (104-0).

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

On motion of the Chair, the House recesses at 8:25 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

CALENDAR (continued)

House Committee Substitute for **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325; AND TO AMEND THE EXPANDED

COMPREHENSIVE SEX EDUCATION PROGRAM, which was temporarily displaced, is before the Body.

The bill passes its second reading by electronic vote (69-28).

Representative Alexander objects to the third reading. The bill remains on the Calendar.

Representative Morgan moves, seconded by Representative Brown, that the House adjourn, subject to the receipt of Messages from the Senate, the receipt of Conference Reports, the receipt of Committee Reports, and the ratification of bills to reconvene October 29 at 9:00 a.m.

The motion carries.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 28, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the House Committee Substitute bill for **S.B. 1366** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 28, 1998

Mr. Speaker:

Pursuant to your message received Wednesday October 28, 1998, that the House of Representatives fails to concur in the Senate Committee Substitute bill to **H.B. 1023** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION, and requests conferees, the President Pro Tempore appoints:

Senator Ballance, Chairman
Senator Hartsell
Senator Odom
Senator Winner

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

BILL PRESENTED TO THE GOVERNOR

The following bill is duly ratified and presented to the Governor:

S.B. 1366, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committees and permanent subcommittees are presented:

By Representatives Gray, Brawley, Dickson, and C. Wilson, Co-Chairs, for the Committee on Finance:

H.B. 37, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMESTEAD EXEMPTION AMOUNT AND THE INCOME LIMIT TO TWENTY-FIVE THOUSAND DOLLARS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

Representatives Arnold, Grady, and Preston, Co-Chairs for the Permanent Subcommittee on Education of the Standing Committee on Appropriations, without objection and with approval of standing committee co-chair for report to be made directly to the floor of the House, report the following bills with an indefinite postponement report:

Committee Substitute for **H.B. 157,** A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES;

H.B. 161, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE MODEL TEACHER EDUCATION CONSORTIUM;

Committee Substitute for **H.B. 256,** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REPORTING OF THE USE OF FUNDS FOR PUBLIC SCHOOLS AT THE UNIT AND BUILDING LEVELS; TO ALLOW THE STATE BOARD TO SUSPEND LOCAL BUDGET FLEXIBILITY IF A LOCAL BOARD FAILS OR REFUSES TO COMPLY WITH LAWS AND RULES CONCERNING THE BUDGETING, MANAGEMENT, AND EXPENDITURE OF PUBLIC SCHOOL FUNDS; TO PROHIBIT LOCAL BOARDS FROM USING STATE FUNDS AND FROM USING STATE FUNDS TO SUPPLANT OTHER FUNDS IN ORDER TO BUY OUT SUPERINTENDENTS' CONTRACTS; AND TO MAKE AN APPROPRIATION;

H.B. 308, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A PROVISION ALLOWING SAVINGS IN EMPLOYER FICA CONTRIBUTIONS TO BE USED TO PAY FOR ADMINISTRATIVE EXPENSES OF FLEXIBLE COMPENSATION PROGRAMS FOR STATE EMPLOYEES AND EMPLOYEES OF EDUCATIONAL INSTITUTIONS SUPPORTED BY THE STATE;

H.B. 377, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR THE BUSINESS/INDUSTRY SKILLS TRAINING CENTER AT THE SOUTHEASTERN COMMUNITY COLLEGE;

H.B. 381, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST APPROVED CHARTER SCHOOLS TO MEET THEIR START-UP COSTS;

H.B. 399, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENGLISH AS A SECOND LANGUAGE PROGRAM;

H.B. 454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOW-WEALTH SCHOOL SYSTEMS' SUPPLEMENTAL FUNDING;

H.B. 462, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A MINIMUM SALARY SCHEDULE FOR ALL NONCERTIFIED PUBLIC SCHOOL EMPLOYEES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE;

H.B. 479, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

Committee Substitute for **H.B. 512,** A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS OR TO REMOVE TO AN ALTERNATIVE EDUCATIONAL SETTING A STUDENT WHO PHYSICALLY ASSAULTS AND SERIOUSLY INJURES A TEACHER OR OTHER PERSON; TO REQUIRE PARENT'S AFFIRMATION THAT STUDENT IS NOT SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL BEFORE ADMISSION TO ANY PUBLIC SCHOOL; TO ALLOW LOCAL BOARDS OF EDUCATION TO DENY ADMISSION TO ANY STUDENT WHO HAS BEEN SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL; TO REQUIRE NOTICE OF SUSPENSION AND EXPULSION TO BE MADE PART OF STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION OF STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A FELONY OR WHEN STUDENT IS ALLEGED OR FOUND TO BE DELINQUENT FOR AN OFFENSE THAT WOULD BE A FELONY IF COMMITTED BY AN

ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF JUVENILE COURT RECORDS; TO MAKE PRINCIPAL'S FAILURE TO REPORT CERTAIN ACTS TO LAW ENFORCEMENT A CLASS 3 MISDEMEANOR; TO ENCOURAGE PRINCIPALS TO CONVENE MEETINGS TO IDENTIFY SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO REQUIRE SCHOOL IMPROVEMENT PLANS TO INCLUDE STRATEGIES TO ADDRESS SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO DIRECT THE BOARD OF GOVERNORS IN CONSULTATION WITH OTHER AGENCIES TO DEVELOP A TRAINING PROGRAM TO PROMOTE LOCAL COLLABORATION ON SCHOOL SAFETY AND DISCIPLINE ISSUES AND TO MAKE AN APPROPRIATION FOR THIS PURPOSE; TO APPROPRIATE ADDITIONAL FUNDS FOR ALTERNATIVE SCHOOLS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES;

H.B. 555, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL NURSES;

H.B. 556, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MAINTAIN THE CURRENT LEVEL OF SERVICES TO PERSONS WITH AUTISM;

H.B. 679, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP TO EXPAND TECHNOLOGY IN NORTH CAROLINA PUBLIC SCHOOLS, INCLUDING A VOCATIONAL EDUCATION COMPUTER RECYCLING PILOT PROGRAM;

H.B. 767, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO NEW UNIVERSITY OF NORTH CAROLINA CONSORTIA AT FAYETTEVILLE STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE;

H.B. 822, A BILL TO BE ENTITLED AN ACT TO PROVIDE STATE FUNDS FOR A SCHOOL RESOURCE OFFICER AT COLUMBIA HIGH SCHOOL TO THE TYRRELL COUNTY SHERIFF'S DEPARTMENT INSTEAD OF THE TYRRELL COUNTY BOARD OF EDUCATION;

H.B. 864, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE CLASS SIZE IN THE THIRD GRADE;

H.B. 905, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT COMMUNITY COLLEGES ACT;

H.B. 947, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MCSMILES PROGRAM, A MOBILE PRESCHOOL PROGRAM FOR PRESCHOOL-AGED CHILDREN AND THEIR PARENTS;

H.B. 961, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND AND UPGRADE THE COMMUNITY LINK PROGRAM TO PROVIDE ADDITIONAL EDUCATIONAL SERVICES TO WESTERN NORTH CAROLINA;

Committee Substitute for **H.B. 979,** A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS;

H.B. 1019, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO IMPLEMENT RIGOROUS AND FOCUSED CONTENT STANDARDS IN READING, WRITING, MATH, SCIENCE, AND SOCIAL STUDIES, AND TO MAKE AN APPROPRIATION;

Committee Substitute for **H.B. 1089,** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN MEMBERS OF THE MILITARY ARE CLASSIFIED AS NORTH CAROLINA RESIDENTS AND SO QUALIFY TO PAY IN-STATE TUITION AT STATE INSTITUTIONS OF HIGHER EDUCATION;

Committee Substitute for **H.B. 1154,** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF SAFE SCHOOL PLANS AND TO HOLD PRINCIPALS ACCOUNTABLE FOR THE SAFETY OF SCHOOLS;

H.B. 1180, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MODEL TEACHER EDUCATION CONSORTIUM TO INCLUDE CUMBERLAND, ROBESON, AND HOKE COUNTIES, FAYETTEVILLE STATE UNIVERSITY, THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE, ROBESON COMMUNITY COLLEGE, AND FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE;

H.B. 1183, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A CIVIC EDUCATION PROGRAM FOR MIDDLE SCHOOL CLASSES;

H.B. 1198, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE INTEREST ACCUMULATED EACH QUARTER BY THE SAVINGS RESERVE ACCOUNT TO THE SCHOOL TECHNOLOGY FUND AND TO APPROPRIATE FUNDS FOR THE SCHOOL TECHNOLOGY FUND;

Committee Substitute for **H.B. 1199,** A BILL TO BE ENTITLED AN ACT TO PROVIDE MONETARY INCENTIVES FOR ACADEMIC EXCELLENCE;

H.B. 1212, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PILOT PROGRAM FOR CERTIFIED NETWORK ADMINISTRATION (CNA) TRAINING IN NORTH CAROLINA PUBLIC SCHOOLS AND DEVELOP A PROPOSAL FOR THE INTERACTIVE VISUAL TECHNOLOGIES CENTER;

H.B. 1218, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE ADULT/STUDENT RATIO IN KINDERGARTEN THROUGH THIRD GRADE;

H.B. 1262, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL UTILITY COSTS.

H.B. 1386, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND AND UPGRADE THE COMMUNITY LINK PROGRAM TO PROVIDE ADDITIONAL EDUCATIONAL SERVICES TO WESTERN NORTH CAROLINA;

H.B. 1428, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS FOR PROGRAMS TO SERVE LIMITED ENGLISH PROFICIENCY STUDENTS;

H.B. 1430, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE PROGRAMS OF THE NATURAL RESOURCE LEADERSHIP INSTITUTE SPONSORED BY THE COOPERATIVE EXTENSION SERVICE AT NORTH CAROLINA STATE UNIVERSITY;

H.B. 1532, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE MODEL TEACHER EDUCATION CONSORTIUM;

H.B. 1548, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA FOR THE INTERNSHIP PROGRAM AT THE INSTITUTE OF GOVERNMENT;

H.B. 1557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOW-WEALTH SCHOOL SYSTEMS' SUPPLEMENTAL FUNDING;

H.B. 1563, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTERNATIONAL BACCALAUREATE PROGRAM;

H.B. 1598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENABLE THE CUED SPEECH CENTER TO PROVIDE SERVICES TO HEARING IMPAIRED CHILDREN;

H.B. 1620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL NURSES;

H.B. 1634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION BUDGET FUNDS FOR THE COMMUNITY COLLEGE SYSTEM;

H.B. 1635, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ROANOKE-CHOWAN COMMUNITY COLLEGE;

H.B. 1671, A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR TEACHER ASSISTANT SALARY INCREASES AND TO MODIFY THE 6TERMS OF EMPLOYMENT FOR TEACHER ASSISTANTS;

H.B. 1672, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF PRINCIPALS AND ASSISTANT PRINCIPALS;

H.B. 1673, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL EVALUATIONS OF ALL CERTIFIED PUBLIC SCHOOL EMPLOYEES,

AND TO APPROPRIATE FUNDS TO DEVELOP EVALUATION INSTRUMENTS AND TO CREATE ASSESSMENT TEAMS;

H.B. 1674, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING PRINCIPALS IN LOW-PERFORMING SCHOOLS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS, AND TO PROVIDE FUNDS FOR STAFF DEVELOPMENT;

H.B. 1675, A BILL TO BE ENTITLED AN ACT TO ADJUST SCHOOL FUNDING FORMULAS TO REFLECT CHANGES IN AVERAGE DAILY MEMBERSHIP AND TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME;

H.B. 1676, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPENSATE TEACHERS FOR WORKING MORE DAYS IN ONE SCHOOL YEAR THAN IN THE PRIOR SCHOOL YEAR;

H.B. 1695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REIMBURSE A HOST LOCAL SCHOOL ADMINISTRATIVE UNIT FOR LOCAL FUNDS SPENT FOR THE EDUCATION OF A STUDENT WHO IS RESIDING IN A GROUP OR THERAPEUTIC HOME;

H.B. 1723, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY INCREASE TO TEACHERS IN LOW-PERFORMING SCHOOLS THAT ARE ASSIGNED ASSISTANCE TEAMS;

H.B. 1730, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BILINGUAL TEACHER ASSISTANT DEMONSTRATION PROGRAM; and

H.B. 1751, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE LIFEBOAT SCHOLARSHIPS TO STUDENTS ASSIGNED TO THE LOW-PERFORMING SCHOOLS THAT HAVE STATE ASSISTANCE TEAMS.

The bills are placed on the Unfavorable Calendar.

By Representative Decker for the Committee on Local and Regional Government II:

H.B. 1607, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WEDDINGTON TO EXERCISE ITS STATUTORY POWER TO EXTEND ITS EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION UPON APPROVAL OF THE RESIDENTS IN THE AREA AFFECTED, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

By Representatives Miner, Berry, Tallent, Hiatt, and Church, Co-Chairs, for the Committee on Commerce:

H.B. 467, A BILL TO BE ENTITLED AN ACT TO LEVY A PRIVILEGE LICENSE TAX ON THE GROSS RECEIPTS OF FINANCIAL INSTITUTIONS FROM FEES THEY CHARGE THEIR CUSTOMERS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

Representatives G. Wilson and Russell, Co-Chairs, for the Permanent Subcommittee on Capital and Budget of the Standing Committee on Appropriations, without objection and with approval of standing committee co-chair for report to be made directly to the floor of the House, report the following bills with an indefinite postponement report:

H.B. 18, A BILL TO BE ENTITLED AN ACT TO CREATE A LEGISLATIVE COMMISSION ON JOB TRAINING PROGRAMS TO REORGANIZE THE WORKFORCE DEVELOPMENT SYSTEM IN NORTH CAROLINA;

H.B. 32, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW CLASSROOM BUILDING AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

H.B. 33, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LAND ACQUISITION FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

H.B. 43, A BILL TO BE ENTITLED AN ACT TO RECAPITALIZE THE MAIN STREET FINANCIAL INCENTIVE FUND;

H.B. 60, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION;

H.B. 80, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ADULT DAY CARE PROGRAM;

H.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES;

H.B. 104, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION AND RENOVATION OF THE MOORESVILLE PUBLIC LIBRARY;

H.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ALZHEIMER'S ASSOCIATIONS;

H.B. 109, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR IN-HOME AIDE SERVICES AND CAREGIVER SUPPORT SERVICES;

H.B. 111, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF FOREST FIRE AIRCRAFT;

H.B. 121, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF A TEXTILE MUSEUM IN THE TOWN OF ERWIN IN HARNETT COUNTY;

H.B. 132, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., FOR FOLKMOOT USA;

H.B. 154, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MATERNAL OUTREACH PROGRAM, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE;

H.B. 155, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GRASSROOTS SCIENCE MUSEUM COLLABORATIVE

BY THE MUSEUM OF NATURAL SCIENCES TO IMPROVE STATE PROGRAMS IN SCIENCE AND ENVIRONMENTAL EDUCATION;

H.B. 156, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPENSATE PHYSICIANS FOR PERFORMING MEDICAL EVALUATIONS OF CHILDREN WHO ARE SUSPECTED OF HAVING BEEN ABUSED OR NEGLECTED, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE;

H.B. 179, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PERFORMANCE AUDIT OF THE DIVISION OF ADULT PROBATION AND PAROLE IN THE DEPARTMENT OF CORRECTION;

H.B. 180, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTALLATION OF NONPRESSURIZED DRY FIRE HYDRANTS IN RURAL AREAS OF THE STATE;

H.B. 181, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW ASSISTANT COUNTY FOREST RANGER POSITION IN RANDOLPH COUNTY;

H.B. 190, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, DIVISION OF FOREST RESOURCES, FOR A FORESTRY HEADQUARTERS FACILITY IN MADISON COUNTY;

H.B. 223, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT WINSTON-SALEM STATE UNIVERSITY;

H.B. 230, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT A NATIONAL MEMORIAL HONORING ALL WOMEN MILITARY PERSONNEL;

H.B. 241, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT A CONSERVATION EASEMENTS PROGRAM FOR THE PROTECTION OF NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 243, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROTECT PUBLIC HEALTH AND SAFETY BY ASSURING

ADEQUATE INSPECTION OF DAMS AND TO IMPROVE THE IMPLEMENTATION OF THE DAM SAFETY ACT OF 1967, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 244, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ENVIRONMENTAL EDUCATION TRUST FUND TO ASSURE THE FUNDING OF ENVIRONMENTAL EDUCATION AND TO APPROPRIATE FUNDS TO THAT FUND, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

Committee Substitute for **H.B. 245,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WETLANDS RESTORATION PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 246, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND EXTEND THE PROTECTION OF THE STATE'S NATURAL LANDS BY EXTENDING THE AUTHORIZED EXPENDITURES FROM THE NATURAL HERITAGE TRUST FUND AND BY ALLOWING QUALIFIED PRIVATE NONPROFIT LAND TRUST ORGANIZATIONS TO HOLD TITLE TO ACQUIRED LANDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NATURAL RESOURCES LEADERSHIP INSTITUTE, A PROJECT OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 255, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE STATE PORTS;

H.B. 259, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE WATER QUALITY IN THE CAPE FEAR RIVER, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 273, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES AT THE CENTER FOR APPLIED TEXTILE TECHNOLOGY;

H.B. 278, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO COMPLETE THE RESTORATION OF THE OLD GATES COUNTY COURTHOUSE;

H.B. 279, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PROMOTION AND ADVERTISEMENT OF THE NORTH CAROLINA WELCOME CENTER IN NORTHAMPTON COUNT;

H.B. 285, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR HIGHWAY PATROL TROOP E HEADQUARTERS PLANNING FUNDS;

H.B. 287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PROMOTING AND PRESERVING THE RICH HERITAGE OF AUTO RACING IN NORTH CAROLINA;

H.B. 289, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXHIBITS FOR THE NEW NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES;

H.B. 300, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR AND RESTORE SEVERAL HISTORIC STRUCTURES AT THE BEAUFORT HISTORIC SITE;

H.B. 304, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXTEND THE BEAVER DAMAGE CONTROL PROGRAM AND TO INCLUDE BERTIE COUNTY IN THE PROGRAM;

H.B. 318, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CANCER CONTROL;

H.B. 330, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTING CERTAIN BUILDINGS AT THE PIEDMONT-TRIAD FARMERS MARKET;

H.B. 331, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE ROLLINS ANIMAL DISEASE DIAGNOSTIC LABORATORY;

H.B. 332, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FUTURE FARMERS OF AMERICA CENTER;

H.B. 341, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE CAPACITY OF THE GATLING JUVENILE DETENTION CENTER;

H.B. 362, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMPLETION OF THE SOUTHEASTERN FARMERS' MARKET AND AGRICULTURAL CENTER;

H.B. 364, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR CAPITAL IMPROVEMENTS AT THE CENTER FOR ENVIRONMENTAL FARMING SYSTEMS;

H.B. 383, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC LIBRARY IN THE TOWN OF MORRISVILLE;

H.B. 384, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ESTABLISHING THE CARY MUSEUM;

H.B. 472, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PLANNING DORTON ARENA IMPROVEMENTS;

H.B. 494, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS FOR CAPITAL IMPROVEMENTS AT THE INSTITUTE OF GOVERNMENT;

H.B. 509, A BILL TO BE ENTITLED AN ACT TO ALLOCATE PART OF THE INVESTMENT EARNINGS ON THE 1996 PUBLIC SCHOOL BUILDING BONDS FOR SMALL COUNTY SCHOOL SYSTEMS;

H.B. 521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DYSART-KENDALL POST NO. 29, INCORPORATED, TO REPAIR THE HISTORIC AMERICAN LEGION BUILDING IN THE CITY OF LENOIR;

H.B. 552, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR A

MEMORIAL TO COMMEMORATE THE HISTORIC EVENTS OF NOVEMBER OF 1898 IN THE CITY OF WILMINGTON;

H.B. 553, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HISTORIC PINE FOREST CEMETERY IN THE CITY OF WILMINGTON;

H.B. 558, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF DREXEL IN BURKE COUNTY FOR CONSTRUCTION OF PUBLIC FACILITIES ON THE TOWN'S FAIRGROUND PROPERTY;

H.B. 582, A BILL TO BE ENTITLED AN ACT TO DIRECT THE USE OF UNEXPENDED FUNDS FOR THE CAPITAL COSTS OF CONSTRUCTING A FACILITY TO REPLACE THE EASTERN NORTH CAROLINA LIVESTOCK ARENA;

H.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES OF THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION;

H.B. 593, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF THE THREE NORTH CAROLINA AQUARIUMS;

H.B. 610, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WILDLIFE RESOURCES COMMISSION FOR ACQUISITION OF GAMELANDS IN THE SOUTH MOUNTAINS;

H.B. 620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A FINE AND PERFORMING ARTS CENTER AT WESTERN CAROLINA UNIVERSITY;

Committee Substitute for **H.B. 635,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE;

H.B. 645, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE RENOVATION OF THE HISTORIC JACKSON COUNTY COURTHOUSE;

H.B. 677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE PATTERSON SCHOOL FOUNDATION, INC., FOR CAPITAL EXPENDITURES;

H.B. 680, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PERSON COUNTY MUSEUM OF HISTORY;

H.B. 688, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT PROJECT FOR THE RURAL COUNTIES OF ANSON, MONTGOMERY, MOORE, RANDOLPH, RICHMOND, AND UNION FOR THE INSTALLATION OF NONPRESSURIZED DRY FIRE HYDRANTS;

H.B. 705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PERSON COUNTY FOR EXPANSION OF THE PERSON COUNTY COUNSELING CENTER;

H.B. 711, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PLANNING A CHILD DAY CARE FACILITY FOR STATE EMPLOYEES IN THE VICINITY OF THE STATE GOVERNMENT COMPLEX IN RALEIGH;

H.B. 763, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA MUSEUM OF FORESTRY;

H.B. 764, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF AN AGRI-COMMUNITY CENTER TO BE LOCATED IN DUPLIN COUNTY;

H.B. 774, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AGRICULTURE CENTER IN HAYWOOD COUNTY;

Committee Substitute for **H.B. 807,** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COASTAL CAROLINA COMMUNITY COLLEGE;

H.B. 842, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF PEMBROKE FOR THE PURCHASE OF A NEW FIRE TRUCK;

H.B. 848, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES FOR THE

CONSTRUCTION OF A JUVENILE DETENTION CENTER IN GUILFORD COUNTY;

H.B. 880, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW EXHIBIT AT THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE;

H.B. 883, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE PIEDMONT TRIAD CENTER FOR ADVANCED MANUFACTURING;

H.B. 912, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF HICKORY FOR LIBRARY NEEDS;

H.B. 917, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY;

H.B. 922, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CARRBORO TO ESTABLISH A MUSIC FESTIVAL;

H.B. 924, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO JONES COUNTY FOR CAPITAL IMPROVEMENTS TO THE COUNTY'S CIVIC CENTER;

H.B. 937, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FOUNTAIN FOR CAPITAL IMPROVEMENTS TO ITS PUBLIC LIBRARY;

H.B. 950, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE NORTH CAROLINA TRANSPORTATION MUSEUM LOCATED IN SPENCER;

H.B. 953, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REMOVE HURRICANE DEBRIS FROM RIVERS AND OTHER PUBLIC-MAINTAINED DRAINAGE WAYS IN JONES COUNTY IN ORDER TO PROTECT PUBLIC HEALTH AND TO PREVENT FURTHER WATER QUALITY DEGRADATION;

H.B. 957, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF THE INDUSTRIAL CONSTRUCTION BUILDING AT PITT COMMUNITY COLLEGE;

H.B. 962, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW JAIL IN SWAIN COUNTY;

H.B. 963, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE CONSTRUCTION OF A COMMUNITY FINE ARTS CENTER AT FAYETTEVILLE STATE UNIVERSITY;

H.B. 971, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW HEADQUARTERS BUILDING AT THE JONES COUNTY FORESTRY HEADQUARTERS;

H.B. 991, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR CAPITAL IMPROVEMENTS TO THE U.S.S. NORTH CAROLINA BATTLESHIP;

H.B. 992, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA;

H.B. 1003, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE PROCESS FOR CAPITAL IMPROVEMENT PLANNING AND BUDGETING;

H.B. 1060, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CENTRAL CHILDREN'S HOME OF NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS;

H.B. 1151, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE EASTERN NORTH CAROLINA LIVESTOCK ARENA;

H.B. 1168, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION FOR THE

INDIAN CULTURAL CENTER AND THE NORTH CAROLINA STATE COMMISSION OF INDIAN AFFAIRS;

H.B. 1169, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A PUBLIC LIBRARY IN THE TOWN OF PEMBROKE;

H.B. 1171, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE CONSTRUCTION OF THE BLUE RIDGE REGIONAL DESTINATION CENTER;

H.B. 1172, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR CAPITAL IMPROVEMENTS TO THE HINES HALL COMPLEX AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

H.B. 1174, A BILL TO BE ENTITLED AN ACT TO DIRECT THE USE OF UNEXPENDED FUNDS FOR THE CAPITAL COSTS OF CONSTRUCTING A FARMER'S MARKET IN WILSON COUNTY;

H.B. 1176, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GRANVILLE COUNTY FOR THE MAINTENANCE AND CARE OF THE HISTORICAL CEMETERIES;

H.B. 1178, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE RESTORATION OF THE CENTURY POST OFFICE MUSEUM IN THE TOWN OF WINTON;

H.B. 1181, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HIDDENITE CENTER, INC., FOR CAPITAL IMPROVEMENTS TO ITS FACILITY;

H.B. 1184, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE YATES MILL HISTORICAL SITE;

H.B. 1186, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND APPROPRIATE FUNDS FOR A STATE-COUNTY IN-HOME SPECIAL ASSISTANCE DEMONSTRATION PROJECT;

H.B. 1200, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR MARINE SCIENCE AND TECHNOLOGY;

H.B. 1208, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE PRESERVATION OF QUEEN ANNE'S REVENGE;

H.B. 1211, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE SUPPLEMENTAL FUNDING TO COMPLETE VARIOUS CAPITAL PROJECTS IN THE UNIVERSITY SYSTEM;

H.B. 1213, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL POLICE OFFICERS IN THE DEPARTMENT OF HUMAN RESOURCES AND TO APPROPRIATE FUNDS FOR THE JUVENILE EVALUATION CENTER IN BUNCOMBE COUNTY;

H.B. 1214, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO VARIOUS NONPROFIT ORGANIZATIONS IN HOUSE DISTRICT FORTY-NINE FOR CAPITAL IMPROVEMENTS;

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNITED ARTS COUNCIL OF RALEIGH AND WAKE COUNTY, INC., TO SUPPORT THE COUNCIL'S ART PROGRAMS;

H.B. 1249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE GREATER JACKSONVILLE-ONSLOW FARMERS MARKET;

H.B. 1263, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF COOLEEMEE'S TEXTILE HERITAGE HISTORIC SITE IN THE TOWN OF COOLEEMEE IN DAVIE COUNTY;

H.B. 1286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE CONSTRUCTION OF THE BLUE RIDGE REGIONAL DESTINATION CENTER;

H.B. 1296, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A MULTIPURPOSE FORESTRY CENTER AT THE TURNBULL EDUCATIONAL STATE FOREST;

H.B. 1346, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CRAVEN COUNTY TO DREDGE NORTHWEST CREEK;

H.B. 1364, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PAINTING AND REPAIRING THE HISTORIC LUCAS MANSION IN ALEXANDER COUNTY;

H.B. 1375, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE HIGHSMITH CENTER AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE;

H.B. 1378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOYS AND GIRLS HOMES OF NORTH CAROLINA, INC., TO ENLARGE AND RENOVATE THE AGRICULTURAL ARENA AT LAKE WACCAMAW;

H.B. 1382, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MACON COUNTY FAIR ASSOCIATION, INC., TO UPGRADE ITS REST ROOMS AND AIR-CONDITIONING SYSTEMS;

H.B. 1408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSIST WITH THE RELOCATION OF THREATENED STRUCTURES AND TO ACQUIRE COASTAL SHORELINE PROPERTY RENDERED UNBUILDABLE UNDER CAMA RULES BY BEACH EROSION;

H.B. 1413, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN EARLY CHILDHOOD EDUCATIONAL CENTER AT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE;

H.B. 1427, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR THE UPPER COASTAL PLAIN COUNCIL OF GOVERNMENTS' SMALL BUSINESS REVOLVING LOAN FUND;

H.B. 1437, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CERTAIN LOCAL PROJECTS IN IREDELL AND CATAWBA COUNTIES;

H.B. 1482, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DETENTION CENTER IN GUILFORD COUNTY;

H.B. 1506, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE SOUTHEASTERN NORTH CAROLINA AGRICULTURAL CENTER AND HORSE ARENA IN ROBESON COUNTY;

H.B. 1562, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE USED TO RESURFACE THE DRIVES AND PARKING AREAS OF THE CENTRAL NORTH CAROLINA SCHOOL FOR THE DEAF;

H.B. 1600, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR PLANNING AND INITIAL DEVELOPMENT OF A REGIONAL PUBLIC SAFETY TRAINING CENTER AT THE NORTH CAMPUS OF THE CAPE FEAR COMMUNITY COLLEGE;

H.B. 1605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE STUDY OF THE STATE PSYCHIATRIC HOSPITALS, AND FOR ADVANCED PLANNING FOR A NEW PSYCHIATRIC HOSPITAL AT DOROTHEA DIX HOSPITAL;

H.B. 1627, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF A TEXTILE MUSEUM IN THE TOWN OF ERWIN IN HARNETT COUNTY;

H.B. 1628, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS THAT WILL BE USED FOR A MULTIPURPOSE BUILDING FOR ECONOMIC DEVELOPMENT AND TRAINING PURPOSES IN THE TOWN OF WARSAW IN DUPLIN COUNTY;

H.B. 1632, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION, PLANNING AND DESIGN OF TWO ACADEMIC FACILITIES AT THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE;

H.B. 1670, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES AT THE PENLAND SCHOOL OF CRAFTS;

H.B. 1678, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE EXPLORIS CHILDREN'S MUSEUM ABOUT THE WORLD;

H.B. 1679, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RESTORATION AND RECONSTRUCTION OF HISTORIC ST. PHILIPS CHURCH AND CONSTRUCTION OF THE NORTH CAROLINA HERITAGE EDUCATION CENTER AT OLD SALEM;

H.B. 1682, A BILL TO BE ENTITLED AN ACT TO DESIGN, CONSTRUCT, AND EQUIP THE WATSON SCHOOL OF EDUCATION BUILDING AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON;

H.B. 1684, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE TOBACCO MUSEUM AT THE DUKE HOMESTEAD STATE HISTORIC SITE;

H.B. 1686, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENO RIVER STATE PARK;

H.B. 1690, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR CAPITAL IMPROVEMENTS, LAND ACQUISITION, AND AGRICULTURAL RESEARCH AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY;

H.B. 1694, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR THE ROOF OF THE HAMLET OPERA HOUSE;

H.B. 1697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ECONOMIC DEVELOPMENT PROJECTS IN JONES COUNTY;

H.B. 1699, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIR BLUFF FOR EMERGENCY WATER AND SEWER REPAIRS;

H.B. 1722, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE MEDOC MOUNTAIN STATE PARK LOCATED IN HALIFAX COUNTY;

H.B. 1726, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GENERAL WILLIAM C. LEE MEMORIAL COMMISSION, INC., FOR THE ESTABLISHMENT OF A MILITARY MUSEUM;

H.B. 1729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROSEBORO FOR RENOVATION AND RESTORATION PROJECTS;

H.B. 1731, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF SALEMBURG FOR RENOVATION AND RESTORATION PROJECTS;

H.B. 1732, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RENOVATION AND RESTORATION PROJECTS OF THE TOWNS ON TOPSAIL ISLAND;

H.B. 1740, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITY COLLEGE SYSTEM FOR REPAIRS AND RENOVATIONS;

H.B. 1741, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION OF A BUILDING AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE; and

H.B. 1750, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF WILMINGTON TO BE ALLOCATED TO THE SOUTHEASTERN CONVENTION COMMISSION FOR PLANNING A CONVENTION CENTER IN SOUTHEASTERN NORTH CAROLINA.

The bills are placed on the Unfavorable Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 28, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate fails to concur in House Committee Substitute bill No. 3 to **S.B. 1125** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE

BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM; AND TO ALLOW CASWELL COUNTY TO ACQUIRE AND IMPROVE PROPERTY FOR USE BY THE COUNTY BOARD OF EDUCATION, and requests conferees. The President Pro Tempore appoints:

Senator Lucas, Chairman
Senator Rand
Senator Webster

on the part of the Senate to confer with a like committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker appoints as conferees on the part of the House: Representative Morgan, Chair; and Representative Preston. The Senate is so notified by Special Message.

SPECIAL MESSAGES FROM THE SENATE

The following special messages are received from the Senate:

Senate Committee Substitute for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15 A NCAC 2B.O233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED

PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT PART I OF THIS ACT; TO AUTHORIZE TEMPORARY RULES GOVERNING COASTAL ENERGY FACILITIES; TO PROVIDE THAT FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM OR OTHER AVAILABLE FUNDS MAY BE USED TO PAY ASSISTED FARMER'S SHARE OF THE COST OF CERTAIN PRACTICES UNDER STATE'S AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL; AND TO REVISE REPORTING REQUIREMENTS, is returned for concurrence in Senate committee substitute bill and placed on the Calendar of October 29.

Upon concurrence, the Senate committee substitute bill changes the title.

Senate Committee Substitute No. 2 for **H.B. 1528,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION, is returned for concurrence in Senate Committee Substitute Bill No. 2 and placed on the Calendar of October 29.

Upon concurrence, Senate Committee Substitute Bill No. 2 changes the title.

CONFERENCE REPORT

Representative Sherrill sends forth the Conference Report on Committee Substitute for **H.B. 1023,** A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE. Pursuant to Rule 44(d), the Conference Report is placed on the Calendar of October 29.

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute No. 2 for **S.B. 1239,** A BILL TO BE ENTITLED AN ACT TO EXEMPT FAMILY FARMS AND FAMILY BUSINESSES FROM INHERITANCE TAXES, with a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate Committee Substitute Bill No. 2.

Pursuant to Rule 36(a), the House committee substitute bill is placed on the Calendar of October 29. Senate Committee Substitute Bill No. 2 is placed on the Unfavorable Calendar.

H.B. 1499, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS, with a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

Pursuant to Rule 36(a), the committee substitute bill is placed on the Calendar. The original bill is placed on the Unfavorable Calendar.

The House stands adjourned at 3:55 p.m.

TWO HUNDRED TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES
Thursday, October 29, 1998

The House meets at 9:00 a.m. pursuant to adjournment and is called to order by the Speaker.

The following remarks and prayer are offered by the Reverend Jim Harry, House Chaplain.

"First of all, I would like to thank the Speaker for this appointment. It has been a great honor serving the North Carolina House as Chaplain.

"Secondly, I would like to thank the Principal Clerk and her office for helping me with getting here on time and helping to get my prayers to you, the Members.

"Finally, I would like to thank, you the Members of the House, for your appreciation of me as your Chaplain. I am thankful for the friendships that have been formed, the confidences that have been shared, and the opportunity to offer pastoral care and counsel in confidence with many of you.

"In this session, I have continued to learn a lot. With that, I continue to strongly believe that even in the midst of our respective party philosophies, there still remains a need for us to really listen to each other... to really take the time and effort to hear what each person and/or issue is attempting to say before we rush to judgment based solely upon partisan lines. God often moves us, indeed, God often pushes us beyond our set boundaries and pre-set minds. We must be careful about assuming that we know what God wants and that we speak as though we have secured that knowledge on our own.

"With all of this said, I would ask that following the prayer, you would remain standing to receive a blessing. Let us pray.

"Most Gracious God, You are the Alpha and the Omega, the beginning and the end from You, all things were created. And, from Your breath, all things came into being. We offer our thanks to You for all of the richness and fullness and joy that You bring to our lives.

"Lord, it has been a long, long session. We are all tired, exhausted, and ready to adjourn. Thank you for granting us patience and endurance throughout our time together. Where there have been arguments and conflict, bring reconciliation and forgiveness. Where there have been friendships made, strengthen the bonds of grace and love. We thank You for these gifts, O Lord.

"There are among us, some who have served their State and their constituents with dignity, with courage, and with integrity. We thank them for their service as they now move on to new arenas of service. Bless them with Your grace. Watch over them with love. And, let them leave this institution with the knowledge that they have served and honored You with their service.

"O God our Creator, we are forever indebted to Thee for Your everlasting goodness, mercy, and Your never-ending love for each and every one of us.

"And now, receive our thanks for helping us make it through the 1997 Legislative Session. For all of the Representatives, the staff, and all others who have worked to make this State better, we give You thanks. Take our efforts and honor them. Make good our defects and put all of the work of this Body to its proper and right use.

"Pour out Your blessings upon us gathered here and may God bless the people of the great State of North Carolina. Amen!

"May the Lord bless you and keep you,
"May the Lord make His face to shine upon you and be gracious unto you,
"May the Lord lift up his countenance upon you and give you peace."

Representative Morgan, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of October 28 has been examined and found correct. Upon his motion, the Journal is approved as written by electronic vote (91-1).

Representative Mosley requests and is granted permission to be recorded as voting "aye". The adjusted vote total is (92-1).

Leaves of absence are granted Representatives Barefoot, Culpepper, Fox, Hardy, Ives, Kiser, McCrary, Smith, and Womble for today. Representatives Hackney, Jarrell, and Wainwright are excused for a portion of the session.

ENROLLED BILLS

The following bills are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1401, AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF PLEASANT GARDEN TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF CERTAIN ROADS.

H.B. 1527, AN ACT TO ALLOW THE TOWN OF YAUPON BEACH TO MAKE SPECIAL ASSESSMENTS FOR THE INSTALLATION OF UTILITIES UNDERGROUND.

CONFERENCE REPORT

Representative Sherrill moves the adoption of the following Conference Report.

Senate Committee Substitute for H.B. 1023

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1023, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION, Fourth Edition Engrossed 7/23/97, submit the following report:

The House concurs in the Fourth Edition Engrossed, and the House and Senate agree to the following amendments:

on page 1, lines 2-3, by rewriting the lines to read:
"AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A DRUG TRAFFICKING OFFENSE MAY BE DENIED PRETRIAL RELEASE IN CERTAIN CIRCUMSTANCES AND TO REQUIRE EACH CLERK OF COURT";

on page 1, line 8 through page 7, line 8, by rewriting those lines to read:
"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A defendant charged with a noncapital offense must have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If he determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

(d) Subject to rebuttal by the person, it shall be presumed that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;

(2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

Such person may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

And by renumbering the remaining sections accordingly;

and on page 7, lines 16-19, by rewriting the lines to read:

"Section 3. This act becomes effective January 1, 1999. Section 1 of this act applies to offenses committed on or after that date. Section 2 of this act applies to records compiled on or after that date."

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 28, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Frank W. Ballance, Jr., Chairman	S/ Wilma M. Sherrill, Chairman
S/ T. L. Fountain Odom	S/ Richard T. Morgan
S/ Leslie Winner	S/ Phillip A. Baddour, Jr.
S/ Fletcher L. Hartsell, Jr.	

The Conference Report, which changes the title, is adopted, by electronic vote (99-0), and the Senate is so notified by Special Message.

CALENDAR

Action is taken on the following:

Senate Committee Substitute No. 2 for **H.B. 1528,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION.

On motion of Representative Redwine, the House concurs in Senate Committee Substitute Bill No. 2, by electronic vote (83-8), and the bill is ordered enrolled.

Representatives Boyd-McIntyre and Dockham request and are granted permission to be recorded as voting "aye". The adjusted vote total is (85-8).

Senate Committee Substitute for **H.B. 1402,** A BILL TO BE ENTITLED AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE

IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT.

On motion of Representative Creech, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (101-0), and the bill is ordered enrolled and presented to the Governor by Special Message.

House Committee Substitute for **S.B. 1139,** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325; AND TO AMEND THE EXPANDED COMPREHENSIVE SEX EDUCATION PROGRAM, passes its third reading, by electronic vote (82-17), and is ordered sent to the Senate for concurrence in House committee substitute by Special Message.

S.J.R. 107, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM R. PITTMAN MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, passes its second reading, by electronic vote (77-25), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

Committee Substitute for **H.B. 1273,** A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1990 THROUGH 1994 TAX YEARS WITH INTEREST, REGARDLESS OF THE THIRTY-DAY PROTEST RULE, passes its second reading, by electronic vote (100-2), and there being no objection is read a third time.

The bill passes its third reading, by electronic vote (99-3), and is ordered sent to the Senate by Special Message.

House Committee Substitute for **S.B. 1239,** A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE GOVERNOR AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM SIGNING A MEMORANDUM OF UNDERSTANDING

REGARDING THE PERMITTING OF AIR EMISSION SOURCES AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO CONSIDER ISSUES RELATED TO ENTERING INTO SUCH AN AGREEMENT.

Representative Carpenter calls the previous question on the passage of the bill and the call is sustained by electronic vote (49-39).

The bill fails to pass its second reading by electronic vote (47-49).

CONFERENCE REPORT

Representative Morgan sends forth the Conference Report on House Committee Substitute No. 3 for **S.B. 1125,** A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR

CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM; AND TO ALLOW CASWELL COUNTY TO ACQUIRE AND IMPROVE PROPERTY FOR USE BY THE COUNTY BOARD OF EDUCATION.

Without objection, the Conference Report is placed on today's Calendar.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 29, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on the Senate Committee Substitute bill for **H.B. 1023** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A DRUG TRAFFICKING OFFENSE MAY BE DENIED PRETRIAL RELEASE IN CERTAIN CIRCUMSTANCES AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the bill enrolled and presented to the Governor by Special Message.

On motion of the Chair, the House recesses at 10:30 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 475, AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS.

H.B. 1402, AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE

IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT PART I OF THIS ACT; TO AUTHORIZE TEMPORARY RULES GOVERNING COASTAL ENERGY FACILITIES; TO PROVIDE THAT FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM OR OTHER AVAILABLE FUNDS MAY BE USED TO PAY ASSISTED FARMER'S SHARE OF THE COST OF CERTAIN PRACTICES UNDER STATE'S AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL; AND TO REVISE REPORTING REQUIREMENTS.

CHAPTERED BILL

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.J.R. 107, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM R. PITTMAN MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION. (RESOLUTION 46)

ENROLLED BILL

The following bill is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.B. 1528, AN ACT TO AUTHORIZE THE TOWN OF LONG BEACH TO LEVY AN ADDITIONAL TWO PERCENT OCCUPANCY TAX TO BE USED FOR BEACH RENOURISHMENT AND PROTECTION.

CONFERENCE REPORT

Representative Morgan moves the adoption of the following Conference Report.

House Committee Substitute No. 3 for S.B. 1125

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1125, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE

LATERAL ENTRY TEACHER LICENSURE PROGRAM; AND TO ALLOW CASWELL COUNTY TO ACQUIRE AND IMPROVE PROPERTY FOR USE BY THE COUNTY BOARD OF EDUCATION, House Committee Substitute #3 Favorable 10/22/98, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #3 Favorable 10/22/98, and the Senate concurs in the House Committee Substitute as amended:

on page 2, line 16, by inserting after the word "PRINCIPALS;" the word "AND";

and on page 2, by rewriting lines 19-21 to read "PROGRAM.";

and on page 11, line 38, through page 12, line 4, by deleting Section 19 of the bill;

and by renumbering the remaining section accordingly.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 29, 1998.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Jeanne Lucas, Chair	S/ Richard T. Morgan, Chair
S/ Anthony E. Rand	S/ Jean Preston
S/ Hugh Webster	

The Conference Report, which changes the title, is adopted, by electronic vote (92-2), and the Senate is so notified by Special Message.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 29, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on House Committee Substituted No. 3 for **S.B. 1125** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS

BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; AND TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM, to the end that when a similar action has been taken on the part of your Honorable Body, the President will order the bill enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

REPORTS OF STANDING COMMITTEES AND PERMANENT SUBCOMMITTEES

The following reports from standing committee are presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

Senate Committee Substitute for **H.B. 1472,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with recommendation that the House concur.

On motion of the Chair, the bill is placed on today's Calendar.

Representative Morgan for the Committee on Rules, Calendar, and Operations of the House reports the following bills with an indefinite postponement report:

Committee Substitute for **H.B. 13,** A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND REDUCE INHERITANCE TAXES;

Committee Substitute for **H.B. 458,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY PRIVATE NONPROFIT CORPORATIONS AND TO MAKE SUCH OPERATION OPTIONAL;

H.B. 546, A BILL TO BE ENTITLED AN ACT TO ENACT THE LOBBYIST REFORM ACT OF 1997;

Committee Substitute for **H.B. 626,** A BILL TO BE ENTITLED AN ACT RELATING TO ESTABLISH NO-WAKE ZONES IN THE TOWNS OF MOREHEAD CITY AND CEDAR POINT IN CARTERET COUNTY AND WRIGHTSVILLE BEACH IN NEW HANOVER COUNTY;

H.B. 893, A BILL TO BE ENTITLED AN ACT TO ENABLE BURKE AND MCDOWELL COUNTIES TO ESTABLISH AN INDUSTRIAL AIRPARK AUTHORITY;

H.B. 925, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION;

H.B. 946, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT;

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGISTRATION OF ESTHETICIANS AND ESTHETICIAN APPRENTICES BY THE STATE BOARD OF COSMETIC ART EXAMINERS;

H.B. 1279, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AND TO EXTEND THE CIVIL PROCEDURE STUDY COMMISSION;

Committee Substitute for **H.B. 1391,** A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE;

H.B. 1434, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES RELATING TO ABANDONED ANIMAL WASTE MANAGEMENT SYSTEM LAGOONS AND THE PROPER CLOSURE OF THOSE LAGOONS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION;

H.B. 1468, A BILL TO BE ENTITLED AN ACT CREATING THE COMMISSION TO REVIEW AND RESTRUCTURE ADMINISTRATION OF THE STATE PERSONNEL SYSTEM AND APPROPRIATING FUNDS TO THE GENERAL ASSEMBLY FOR THAT PURPOSE;

H.B. 1514, A BILL TO BE ENTITLED AN ACT RELATING TO MOORE COUNTY;

H.B. 1539, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE;

H.B. 1550, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY THE NEED FOR MANDATORY BOATING SAFETY EDUCATION FOR RECREATIONAL BOATERS AND TO APPROPRIATE FUNDS TO IMPLEMENT THE STUDY;

H.B. 1589, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INMATE ROAD SQUADS IN DAVIDSON COUNTY SHALL WEAR UNIFORMS IDENTIFYING THEM AS INMATES;

H.B. 1630, A BILL TO BE ENTITLED AN ACT RELATING TO RANDOLPH COUNTY;

H.B. 1636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF PERMITTING LOCAL BOARDS OF EDUCATION TO SELL ADVERTISING ON SCHOOL BUSES AND CERTAIN SCHOOL FACILITIES TO GENERATE REVENUES FOR PUBLIC SCHOOL FACILITY UPKEEP AND MAINTENANCE;

H.B. 1668, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF SCHOOL ADMINISTRATOR PROGRAMS THAT MAY BE ESTABLISHED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA;

H.B. 1696, A BILL TO BE ENTITLED AN ACT TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS AND TO DIRECT THE STATE BOARD OF EDUCATION TO USE THE ADDITIONAL APPLICATION FEES TO OFFSET THE COST OF ADMINISTERING THE LAW REGARDING CHARTER SCHOOLS;

H.B. 1705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS;

H.B. 1728, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE LEGISLATIVE STUDY COMMISSION ON CHILD CARE REVIEW THE MAKEUP, FUNCTIONING, AND EFFECTIVENESS OF THE DIVISION OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OF THE CHILD CARE COMMISSION, AND TO APPROPRIATE FUNDS;

Committee Substitute for **H.B. 1739,** A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS, TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW, AND TO ALLOW ANNUAL SALES TAX REFUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS; and

H.B. 1757, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CHILD CARE RULES ON PLAYGROUND EQUIPMENT AND CERTIFICATION THAT ARE TO BECOME EFFECTIVE JULY 1, 1998.

The bills are placed on the Unfavorable Calendar.

SPECIAL MESSAGE FROM THE SENATE

The following special message is received from the Senate:

Committee Substitute for **H.J.R. 1498,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, is returned for concurrence in Senate amendment and placed on today's Calendar.

On motion of the Chair, the House recesses at 11:30 a.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from permanent subcommittee is presented:

By Representative Hall for the Permanent Subcommittee on Financial Institutions of the Standing Committee on Commerce, without objection and with approval of standing committee co-chair for report to be made directly to the floor of the House:

H.B. 325, A BILL TO BE ENTITLED AN ACT TO CONFORM STATE INCOME TAX ON BANKS TO FEDERAL INCOME TAX ON BANKS, with an indefinite postponement report.

The bill is placed on the Unfavorable Calendar.

CALENDAR (continued)

Committee Substitute for **H.J.R. 1498,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY.

On motion of Representative Morgan, the House does not concur in the Senate amendment, by electronic vote (88-7), and conferees are requested.

The Speaker appoints as conferees on the part of the House Representative Morgan, Chair; and Representative Bowie. The Senate is so notified by Special Message.

Senate Committee Substitute for **H.B. 1472,** A BILL TO BE ENTITLED AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

On motion of Representative Mitchell, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (96-2),

and the bill is ordered enrolled and presented to the Governor by Special Message.

REPORT OF STANDING COMMITTEE AND PERMANENT SUBCOMMITTEE

The following report from standing committee is presented:

By Representative Morgan for the Committee on Rules, Calendar, and Operations of the House:

House Committee Substitute for **S.B. 1279,** A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report as to House Committee Substitute Bill No. 2, which changes the title, unfavorable as to House Committee Substitute Bill No. 1.

Pursuant to Rule 36(a), the bill is placed on today's Calendar for immediate consideration.

Representative Morgan offers Amendment No. 1 which is adopted by electronic vote (95-1).

The bill, as amended, passes its second reading, by electronic vote (97-0), and there being no objection is read a third time.

The bill, as amended, passes its third reading, by electronic vote (96-1), and is ordered sent to the Senate without engrossment for concurrence in House committee substitute, as amended, by Special Message.

MOTION TO RECONSIDER VOTE

Having voted with the prevailing side, Representative Brown moves to reconsider the vote by which House Committee Substitute for **S.B. 1239,** A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE GOVERNOR AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM SIGNING A MEMORANDUM OF UNDERSTANDING REGARDING THE PERMITTING OF AIR EMISSION SOURCES AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION

TO CONSIDER ISSUES RELATED TO ENTERING INTO SUCH AN AGREEMENT, failed to pass its second reading.

Representative Cunningham inquires of the Chair how the bill is before the body as the House Committee Substitute does not appear to be germane to the original bill.

The Speaker rules the bill is properly before the Body.

The motion fails by electronic vote (43-50).

On motion of the Chair, the House recesses at 1:25 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

H.B. 1023, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A DRUG TRAFFICKING OFFENSE MAY BE DENIED PRETRIAL RELEASE IN CERTAIN CIRCUMSTANCES AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION.

H.B. 1472, AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, TO CREATE THE COMMISSION ON SMALL FAMILY FARM PRESERVATION AND TO PROVIDE THAT THE DIRECTOR OF THE BUDGET MAY IDENTIFY FUNDS TO MATCH GRANT FUNDS FOR THE CENTER FOR COMMUNITY SELF-HELP.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 29, 1998

Mr. Speaker:

Pursuant to your message received Thursday, October 29, 1998, that the House of Representatives fails to concur in Senate Amendment No. 1 to **H.J.R. 1498** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, and requests conferees, the President Pro Tempore appoints:

Senator Rand

on the part of the Senate to confer with the committee appointed by your Honorable Body to the end that the differences arising may be resolved.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

CONFERENCE REPORT

Representative Morgan sends forth the Conference Report on Committee Substitute for **H.J.R. 1498,** A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY. Without objection, the Conference Report is placed on today's Calendar for immediate consideration.

Representative Morgan moves the adoption of the following Conference Report.

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, Committee Substitute Favorable 10/27/98, submit the following report:

The Senate recedes from its amendment #1, and the conferees recommend the following amendment to the bill:

On page 1, line 5, delete "on Wednesday, October 28, 1998", and substitute "at 2:30 p.m. on Thursday, October 29, 1998".

The Senate and House of Representatives agree to the same.

The conferees recommend that the Senate and House of Representatives adopt this report.

Date conferees approved report: October 29, 1998.

Conferee for the Senate	*Conferees for the House of Representatives*
S/ Tony Rand	S/ Richard T. Morgan S/ Joanne W. Bowie

The Conference Report is adopted, by electronic vote (90-0), and the Senate is so notified by Special Message.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 29, 1998

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives with the information that the Senate adopts the report of the conferees on **H.J.R. 1498** (Conference Report), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, to the end that when a similar action has been taken on the part of your Honorable Body, the Speaker may order the joint resolution enrolled.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker orders the resolution enrolled.

BILLS PRESENTED TO THE GOVERNOR

The following bills are duly ratified and presented to the Governor:

S.B. 873, AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION.

S.B. 1279, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL CORRECTIONS, TO CLARIFY THAT THE ATTORNEY GENERAL MAY EXEMPT CERTAIN BUSINESS COMBINATIONS FROM THE SHAREHOLDER PROTECTION ACT, TO AUTHORIZE THE INDUSTRIAL COMMISSION TO ISSUE WRITS OF HABEAS CORPUS AD TESTIFICANDUM, TO RESTORE A PROVISION ON COMMUNITY SERVICE PASSED BUT NOT CODIFIED IN 1997, TO EXTEND THE TIME TO OBTAIN VOLUNTARY EASEMENTS FOR CERTAIN STRUCTURES OVER STATE-OWNED LANDS BY THREE YEARS, TO PROHIBIT CANDIDATES FOR SUPERIOR COURT FROM RUNNING FOR ANOTHER OFFICE AT THE SAME TIME, TO REVISE THE APPLICABILITY CLAUSE OF THE WORKPLACE HARASSMENT LAW CONCERNING CASES DISMISSED WITHOUT PREJUDICE PRIOR TO AUGUST 15, 1998, TO PROVIDE FOR THE LICENSING OF THIRD-PARTY ADMINISTRATORS SERVING WORKERS' COMPENSATION SELF-INSURED GROUPS, TO CLARIFY THE LAW GOVERNING VEHICLE FORFEITURE TO SCHOOLS FOR DWI OFFENSES, TO EXTEND THE DATE FOR THE RURAL TRANSPORTATION PLANNING ORGANIZATION STUDY, TO PROVIDE FOR PROOF OF COMPLIANCE WITH THE MEDICAL MALPRACTICE EXPERT WITNESS RULE THROUGH LIMITED INTERROGATORIES VERIFIED BY THE EXPERT, TO CORRECT A REFERENCE TO PROBATIONARY TEACHERS IN THE BUDGET, TO RESOLVE A CONFLICT WITH THE EFFECTIVE DATE OF LEGISLATION INVOLVING MUNICIPAL INCORPORATION PROCEDURES, AND TO CORRECT AN INADVERTENT OMISSION IN THE BUDGET CONCERNING RECEIPT-SUPPORTED POSITIONS IN THE STATE TREASURER'S OFFICE.

S.B. 1125, AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL

SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/ SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; AND TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM.

CHAPTERED BILL

The following resolution is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

H.J.R. 1498, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY. (RESOLUTION 47)

Representative Morgan moves, seconded by Representative Esposito, that pursuant to **H.J.R. 1498**, the 1997 House of Representatives adjourn sine die. The motion prevails.

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House has concluded its business and stands ready to adjourn sine die.

1997 GENERAL ASSEMBLY
SPECIAL MESSAGE FROM THE SENATE

SECOND SESSION 1998

Senate Chamber
October 29, 1998

Mr. Speaker:

It is ordered that a message be sent your Honorable Body respectfully advising that the Senate has concluded the business of the 1997 General Assembly and pursuant to **H.J.R. 1498** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY, stands ready to adjourn.

Further, you are respectfully advised that the Senate stands ready to open the doors of the Senate immediately upon receipt of a message from your Honorable Body that you are ready to open the doors of the House of Representatives to the end that the gavels may fall simultaneously and adjournment may be declared sine die.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker directs the Sergeant-at-Arms to open the doors of the House.

The doors of the Senate are opened and the President stands ready to let the gavel fall. The Speaker sounds the gavel and declares the House of Representatives of the 1997 Session, of the General Assembly of North Carolina, adjourned sine die.

S/ Denise G. Weeks
Principal Clerk

Pursuant to Article II, Section 22 of the North Carolina Constitution, the following bills are properly enrolled, assigned a chapter number and presented to the office of the Secretary of State. The dates included in this section represent the date the Acts were signed by the Governor.

October 30, 1998

H.B. 1023, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A DRUG TRAFFICKING OFFENSE MAY BE DENIED PRETRIAL RELEASE IN CERTAIN CIRCUMSTANCES AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION. (S.L. 1998-208)

S.B. 1274, AN ACT TO AMEND THE LAW REGARDING THE CONTROL OF CHILDHOOD LEAD EXPOSURE. (S.L. 1998-209)

H.B. 1055, AN ACT TO PROVIDE FOR THE INVESTIGATION AND RESOLUTION OF CLAIMS RESULTING FROM DEFECTIVE SEED. (S.L. 1998-210)

H.B. 926, AN ACT PERTAINING TO CHANGES IN THE INSURANCE LAWS AND RELATED LAWS. (S.L. 1998-211)

S.B. 1366, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 1997 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE. (S.L. 1998-212)

October 31, 1998

H.B. 581, AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST. (S.L. 1998-213)

H.B. 1362, AN ACT TO PROVIDE THAT TRANSFERRED SERVICE CREDITS MAY BE INCLUDED IN DETERMINING WHETHER A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM MAY PURCHASE MILITARY SERVICE. (S.L. 1998-214)

S.B. 882, AN ACT TO REQUIRE STATE AGENCIES TO DEPOSIT THE CLEAR PROCEEDS OF CIVIL PENALTIES AND CIVIL FORFEITURES INTO THE CIVIL PENALTY AND FORFEITURE FUND. (S.L. 1998-215)

S.B. 809, AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS. (S.L. 1998-216)

S.B. 1279, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE OTHER TECHNICAL CORRECTIONS, TO CLARIFY THAT THE ATTORNEY GENERAL MAY EXEMPT CERTAIN BUSINESS COMBINATIONS FROM THE SHAREHOLDER PROTECTION ACT, TO AUTHORIZE THE INDUSTRIAL COMMISSION TO ISSUE WRITS OF HABEAS CORPUS AD TESTIFICANDUM, TO RESTORE A PROVISION ON COMMUNITY SERVICE PASSED BUT NOT CODIFIED IN 1997, TO EXTEND THE TIME TO OBTAIN VOLUNTARY EASEMENTS FOR CERTAIN STRUCTURES OVER STATE-OWNED LANDS BY THREE YEARS, TO PROHIBIT CANDIDATES FOR SUPERIOR COURT FROM RUNNING FOR ANOTHER OFFICE AT THE SAME TIME, TO REVISE THE APPLICABILITY CLAUSE OF THE WORKPLACE HARASSMENT LAW CONCERNING CASES DISMISSED WITHOUT PREJUDICE PRIOR TO AUGUST 15, 1998, TO PROVIDE FOR THE LICENSING OF THIRD-PARTY ADMINISTRATORS SERVING WORKERS' COMPENSATION SELF-INSURED GROUPS, TO CLARIFY THE LAW GOVERNING VEHICLE FORFEITURE TO SCHOOLS FOR DWI OFFENSES, TO EXTEND THE DATE FOR THE RURAL TRANSPORTATION PLANNING ORGANIZATION STUDY, TO PROVIDE FOR PROOF OF COMPLIANCE WITH THE MEDICAL MALPRACTICE EXPERT WITNESS RULE THROUGH LIMITED INTERROGATORIES VERIFIED BY THE EXPERT, TO CORRECT A REFERENCE TO PROBATIONARY TEACHERS IN THE BUDGET, TO RESOLVE A CONFLICT WITH THE EFFECTIVE DATE OF LEGISLATION INVOLVING MUNICIPAL INCORPORATION PROCEDURES, AND TO CORRECT AN INADVERTENT OMISSION IN THE BUDGET CONCERNING RECEIPT-SUPPORTED POSITIONS IN THE STATE TREASURER'S OFFICE. (S.L. 1998-217)

S.B. 1554, AN ACT TO AMEND THE EXCISE TAX ON CONTROLLED SUBSTANCES. (S.L. 1998-218)

November 4, 1998

S.B. 475, AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS. (S.L. 1998-219)

November 5, 1998

S.B. 1125, AN ACT TO CLARIFY THAT THE PRESIDENT PRO TEMPORE OF THE SENATE APPOINTS ONE COCHAIR OF THE SCHOOL TECHNOLOGY COMMISSION; TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE ABC'S AWARDS NO LATER THAN THE SECOND REGULAR TEACHER PAYROLL; TO REQUIRE ABC'S AWARDS TO GO ONLY FOR DIRECT AWARDS TO CERTIFIED PERSONNEL AND TEACHER ASSISTANTS; TO CLARIFY THAT THE SUPERINTENDENT OR HIS DESIGNEE DEVELOPS THE SCHOOL BUS ASSIGNMENT PLAN; TO EXEMPT FROM THE SCHOOL ADMINISTRATOR EXAM INDIVIDUALS WHO OBTAINED OR RENEWED A SCHOOL ADMINISTRATOR/SUPERVISOR CERTIFICATE DURING THE FIVE YEARS BEFORE JANUARY 1, 1998; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT POLICIES GOVERNING THE REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS WHO ARE CERTIFIED IN ANOTHER STATE AS SCHOOL ADMINISTRATORS; TO MOVE THE COMPETENCY TEST FROM TENTH TO NINTH GRADE; TO CLARIFY THAT THE SUPERINTENDENT MAKES DECISIONS CONCERNING SUSPENSION OR EXPULSION OF STUDENTS; TO CLARIFY THAT SUPERINTENDENTS MUST KEEP DATA ON STUDENTS WHO ARE SUSPENDED MORE THAN TEN DAYS; TO REQUIRE THE PROVISION OF REMEDIAL ASSISTANCE IN NINTH GRADE TO STUDENTS WHO FAIL TO PASS THE EIGHTH GRADE END-OF-GRADE TESTS; TO PROHIBIT PRINCIPALS OR THEIR DESIGNEES FROM WITHHOLDING A STUDENT RECORD WHEN A STUDENT TRANSFERS TO ANOTHER SCHOOL EXCEPT IN ACCORDANCE WITH FEDERAL LAW; TO AMEND THE EXCELLENT SCHOOLS ACT TO CLARIFY THAT ACTION PLANS ARE REQUIRED FOR CERTIFIED EMPLOYEES IN LOW-PERFORMING SCHOOLS WHEN THEY RECEIVE AN UNSATISFACTORY EVALUATION RELATED TO THEIR INSTRUCTIONAL DUTIES AND TO REQUIRE LOCAL BOARDS TO ADOPT POLICIES THAT REQUIRE ACTION PLANS FOR CERTIFIED EMPLOYEES IN OTHER

SCHOOLS WHO RECEIVE AN UNSATISFACTORY EVALUATION; TO ALLOW THE INITIAL CONTRACT FOR A SCHOOL ADMINISTRATOR TO BE FOR A TERM OF LESS THAN TWELVE MONTHS; TO DIRECT THE STATE BOARD OF EDUCATION TO EVALUATE THE SAFE SCHOOLS BONUS FOR PRINCIPALS AND ASSISTANT PRINCIPALS; AND TO DIRECT THE STATE BOARD OF EDUCATION AND UNC BOARD OF GOVERNORS TO DEVELOP A PROPOSAL FOR A STATEWIDE LATERAL ENTRY TEACHER LICENSURE PROGRAM. (S.L. 1998-220)

H.B. 1402, AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT RULE, TO CONTINUE 15 A NCAC 2B.O233 IN EFFECT AS A TEMPORARY RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC TO ADOPT TEMPORARY RULES TO IMPLEMENT PART I OF THIS ACT; TO AUTHORIZE TEMPORARY RULES GOVERNING COASTAL ENERGY FACILITIES; TO PROVIDE THAT FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM OR OTHER AVAILABLE FUNDS MAY BE USED TO PAY ASSISTED FARMER'S SHARE OF THE COST OF CERTAIN PRACTICES UNDER STATE'S AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE

POLLUTION CONTROL; AND TO REVISE REPORTING REQUIREMENTS. (S.L. 1998-221)

S.B. 873, AN ACT TO PROVIDE THAT CERTAIN TAX-EXEMPT AND TAXABLE DEBT ISSUED BY OR ON BEHALF OF A LOCAL GOVERNMENT IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT COMMISSION. (S.L. 1998-222)

H.B. 1472, AN ACT TO ALLOW STATE AGENCIES TO RETAIN RECEIPTS FROM THE SALE OF RECYCLABLE MATERIALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, TO CREATE THE COMMISSION ON SMALL FAMILY FARM PRESERVATION AND TO PROVIDE THAT THE DIRECTOR OF THE BUDGET MAY IDENTIFY FUNDS TO MATCH GRANT FUNDS FOR THE CENTER FOR COMMUNITY SELF-HELP. (S.L. 1998-223)

November 5, 1998

S.B. 1428, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO EXPAND THE STRUCTURAL PEST CONTROL COMMITTEE. (S.L. 1998-224)

H.B. 1448, AN ACT TO AMEND THE FISHERIES REFORM ACT OF 1997 AND RELATED MARINE FISHERIES LAWS AND TO RECOGNIZE THE COMMON LAW RIGHT OF THE PUBLIC TO THE CUSTOMARY FREE USE AND ENJOYMENT OF THE OCEAN BEACHES. (S.L. 1998-225)

S.B. 1124, AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO HIRE LATERAL ENTRY TEACHERS. (S.L. 1998-226)

H.B. 74, AN ACT TO CREATE MEDICARE PROVIDER SPONSORED ORGANIZATION LICENSING. (S.L. 1998-227)

November 6, 1998

S.B. 1552, AN ACT TO MAKE CHANGES TO THE NOTARY PUBLIC ACT, TO EXEMPT SOME MAPS FROM THE CERTIFICATION REQUIREMENT, TO AUTHORIZE THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS, AND TO GIVE RELIEF TO CORPORATIONS AND LIMITED LIABILITY COMPANIES THAT HAVE BEEN ADMINISTRATIVELY DISSOLVED OR MAY BE ADMINISTRATIVELY DISSOLVED BECAUSE OF FAILURE TO FILE A CORPORATE ANNUAL REPORT. (S.L. 1998-228)

H.B. 1720, AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED AND NEGLECTED JUVENILES AND JUVENILES PLACED FOR ADOPTION IN CONFORMANCE WITH FEDERAL ADOPTION AND SAFE FAMILIES ACT REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CHANGES TO THE JUVENILE JUSTICE SYSTEM PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY. (S.L. 1998-229)

S.B. 916, AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART AND TO REGULATE THE PRACTICE OF MASSAGE AND BODYWORK THERAPY. (S.L. 1998-230)

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 41(b) states:

No bill shall be read more than once in the same day without the concurrence of two-thirds (2/3) of the members present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) When a member moves that the Rule be suspended, and this motion carries by at least a two-thirds vote of the members present.

(2) When the Chair determines that there is no objection from any member present. This constitutes unanimous consent of those members present that Rule 41(b) be suspended.

In these cases, the bill is read a third time.

Denise G. Weeks
Principal Clerk

APPENDIX

SECOND SESSION 1998

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H.R. 1335, A HOUSE RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY.

Whereas, 1998 marks the 75th anniversary of the Sir Walter Cabinet; and

Whereas, the Sir Walter Cabinet has enhanced the social life of legislative sessions and has worked to advance the cultural, economic, and educational welfare of the State; and

Whereas, since its formation, the Sir Walter Cabinet has promoted progressive legislation such as the following:

(1) Aid for the blind and deaf, workers' compensation, better roads, and highway safety;

(2) Improvements in mental health and the conditions of women prisoners;

(3) Restoration of Tryon Palace;

(4) Assistance to the North Carolina Symphony;

(5) Establishment of the North Carolina Museum of Art; and

(6) Recognition of children's and women's rights; and

Whereas, the Sir Walter Cabinet continues to be a significant part of the legislative process and contributes to the well-being of the State; Now, therefore,

Be it resolved by the House of Representatives:

Section 1. The House of Representatives recognizes the historic accomplishments of the Sir Walter Cabinet and congratulates the organization on 75 years of dedicated commitment to the betterment of North Carolina.

Section 2. The Principal Clerk shall transmit a copy of this resolution to the Sir Walter Cabinet.

Section 3. This resolution is effective upon adoption.

BOARDS AND COMMISSIONS
APPOINTMENTS BY THE SPEAKER
(January 1, 1998 through December 31, 1998)

	APPOINTED	EXPIRES
ACUPUNCTURE LICENSING BOARD		
G.S. 90-453		
Mr. Richard E. Koerber	12/17/98	6/30/2001

AGING, GOVERNOR'S ADVISORY COUNCIL ON
G.S. 143B-181

Ms. Doris Dick		8/18/98	6/30/2002
(Reappointment)			
Mr. William D. Lawson, III		4/27/98	6/30/2000
(Replaced Mr. Granville Cheek)			

AGING, NORTH CAROLINA STUDY COMMISSION ON
G.S. 120-180

Rep. Eugene McCombs			

AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA
G.S. 122D-4

Mr. James Gary Hyatt	(Reappointment)	10/28/98	6/30/2001
Hon. Paul S. Smith		10/28/98	6/30/2001
Mr. Jack C. Welborn		10/28/98	6/30/2001

ALARM SYSTEMS LICENSING BOARD
G.S. 74D-4

Mr. Phillip D. Matthews		10/28/98	6/30/2001
Mr. R. Bradley Smith, Jr.		1/28/98	6/30/2000
(Licensed position)			

ARBORETUM BOARD OF DIRECTORS, NORTH CAROLINA
G.S. 116-243

Mr. Morris L. McGough	(Reappointment)	10/28/98	6/30/2002

BASEBALL PARK AUTHORITY, FORSYTH-GUILFORD METROPOLITAN
Session Law 1997-380

Mr. Robert Clark	1/16/98	7/1/99
Ms. Margaret B. Lewis	1/16/98	7/1/2001

CANCER COORDINATION AND CONTROL, ADVISORY COMMITTEE ON
G.S. 130A-33.50

Mrs. Sylvia Rountree	6/23/98	6/30/2001
(Replaced Mrs. Nan Revell)		

CHILD CARE, STUDY COMMISSION ON
S.B. 929, Section 28.2(a)

Ms. Nancy Ratcliffe	2/12/98	Report to 1999 G.A.

CHILD CARE COMMISSION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
G.S. 143B-168.4

Ms. Kay Wells		12/31/98	6/30/2000
(Public member)			
Ms. Frances Williams		12/31/98	6/30/2000
(Parent of child in day care)			

CHILDREN BOARD OF DIRECTORS, NORTH CAROLINA PARTNERSHIP FOR
G.S. 143B-168.12(a-1-f), (k)

Ms. Laura Gentry		12/30/98	12/30/2001
Dr. Joe Haas		12/30/98	12/30/2001
Ms. Judy Hoffman		12/30/98	12/30/2001

CHILDREN FROM BIRTH TO FIVE WITH DISABILITIES AND THEIR FAMILIES, INTERAGENCY COORDINATING COUNCIL FOR
G.S. 143B-179.5

Rep. Theresa H. Esposito	(Reappointment)	11/17/98	6/30/2000

CHILDREN WITH SPECIAL NEEDS, COMMISSION ON
G.S. 120-57

Rep. Martha B. Alexander		11/23/98	7/31/99
Rep. Theresa H. Esposito	(Reappointment)	11/23/98	7/31/99
Rep. Gregory J. Thompson	(Reappointment)	11/23/98	7/31/99
Ms. Ann Blakeney Clark	(Reappointment)	11/23/98	7/31/99

CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES
G.S. 113-145.5

Ms. Karen Cragnolin		11/23/98	6/30/2002
Mr. Clarence Leroy Smith		11/23/98	6/30/2002

CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA
G.S. 143-151.9(9)

Mr. Howard Danieley		1/7/98	6/30/2001
(Licensed plumbing or heating contractor position)			

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD, STATE
G.S. 143B-273.6

Hon. R. F. "Buck" Golding		9/1/98	6/30/2001
(Rural County Commissioner position)			

DIETETICS AND NUTRITION, NORTH CAROLINA BOARD OF
G.S. 90-354(a)(2)

Mrs. Susan Hayes	10/28/98	6/30/2000

DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH
G.S. 143B-403.2

Mr. Pete Clary, III (At-large)	6/10/98	6/30/99
Mr. Bobby Wayne Ingram, Jr. (Replaced William Morris)	12/9/98	6/30/99

ECONOMIC DEVELOPMENT BOARD
G.S. 143B-434

Rep. Danny McComas (Replaced Rep. James C. Carpenter)	12/9/98	6/30/2001

ECONOMIC DEVELOPMENT COMMISSION, ADVANTAGE WEST
G.S. 158-8.1

Mr. Sam Fiske (Replaced Mr. Marty Kimsey)	12/17/98	6/30/99

ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF
G.S. 88A-5

Ms. Shelton Dixon	11/17/98	8/31/2001

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL
G.S. 143-510

Rep. J. Russell Capps	12/31/98	12/31/2000
Rep. Edgar V. Starnes	12/31/98	12/31/2000

ENVIRONMENTAL REVIEW COMMISSION
G.S. 120-70.41

Rep. Stanley H. Fox	1/28/98	1/31/99

ETHICS COMMITTEE, LEGISLATIVE
G.S. 120-99

Rep. William T. Culpepper, III (Replaced Rep. Mike Wilkins)	6/10/98	1/31/99

FARM PRESERVATION, COMMISSION ON SMALL FAMILY

G.S. 143-64.05(4)

Rep. W. Frank Mitchell, Co-Chair		11/23/98	Final Report to 2000 Gen. Assembly
Rep. John W. Brown		11/23/98	"
Rep. Arlie F. Culp		11/23/98	"

FEE-BASED PRACTICING PASTORAL COUNSELORS, NORTH CAROLINA STATE BOARD OF EXAMINERS OF

G.S. 90-385 (2)

Reverend Gary McFarland		12/17/98	9/30/2002
Mr. Russell Williams	(Reappointment)	10/1/98	9/30/2002

FIRE AND RESCUE COMMISSION, STATE

G.S. 58.78-1

Mr. Benny E. Scarbro	(Reappointment)	10/28/98	6/30/2001

FIRST FLIGHT CENTENNIAL COMMISSION

G.S. 143-640

Mr. Michael W. Haley	(Reappointment)	10/28/98	6/30/2000
Mr. James R. Trotter	(Reappointment)	10/28/98	6/30/2000

GOVERNMENT COMPETITION COMMISSION, NORTH CAROLINA

G.S. 143C-4

Mr. Robert Luddy	12/17/98	6/30/2000
Mr. Craig Olive	12/31/98	6/30/99
Mr. Leroy J. Pittman, III	12/17/98	6/30/2000

GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION ON

G.S. 120-74

Rep. Charlotte Gardner	11/9/98	1/15/99
(Replaced Representative Robert Grady)		

HEALTH CARE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.110

Rep. Charlotte Gardner	5/11/98	1/15/2001

HEART DISEASE AND STROKE PREVENTION TASK FORCE
Chapter 507, Section 26.9, 1995 Session Laws and Senate Bill 352

Rep. Marvin W. Aldridge		1/7/98	6/30/99
Rep. Beverly Earle		1/7/98	6/30/99
Rep. Larry T. Justus		1/7/98	6/30/99
Ms. Ruth Cooper (Registered nurse)		1/7/98	6/30/99
Mr. Charles Cromer (Stroke survivor)		1/7/98	6/30/99
Hon. Robert Greer (County Commissioner)		1/7/98	6/30/99
Ms. Kathleen Magura (Registered Dietitian)		1/7/98	6/30/99
Dr. A. H. Mebane, III (Pharmacist)		1/7/98	6/30/99

HOME INSPECTORS LICENSURE BOARD, NORTH CAROLINA
G.S. 143-151.46

Mr. Larry Hayes		11/17/98	6/30/99
Mr. John Woodmansee	(Reappointment)	11/17/98	6/30/2001

HUMAN RELATIONS COMMISSION, NORTH CAROLINA
G.S. 143B-392

Dr. Jimmie V. Morris	(Reappointment)	8/24/98	6/30/2002
Mr. Rodney E. Williams		8/24/98	6/30/2002

INCENTIVE BONUS REVIEW COMMITTEE
G.S. 143-345.14

Mr. Jeff Becker		2/10/98	Pleasure of the Speaker
Mr. Mark Prakke		12/9/98	Pleasure of the Speaker

LOW-LEVEL RADIOACTIVE WASTE, JOINT SELECT COMMITTEE ON
G.S. 120-70.31

Rep. Walter W. Dickson, Co-Chair (Reappointment)		1/28/98	1/15/99
Rep. Jerry C. Braswell	(Reappointment)	1/28/98	1/15/99
Rep. C. Robert Brawley	(Reappointment)	1/28/98	1/15/99
Rep. Debbie A. Clary	(Reappointment)	1/28/98	1/15/99
Rep. George W. Miller, Jr.	(Reappointment)	1/28/98	1/15/99
Rep. David M. Miner	(Reappointment)	1/28/98	1/15/99

MASSAGE AND BODYWORK THERAPY, NORTH CAROLINA BOARD OF

G.S. 90-625

Mr. Ric Rosen		12/17/98	6/30/2000
Ms. Cheryl Shew		12/17/98	6/30/2000

MANUFACTURED HOUSING BOARD, NORTH CAROLINA

G.S. 143-143.10

Mr. Cliff Gentry		10/28/98	9/30/2000
(Replaced Bob Doepke)			
Ms. Judy Ward		10/28/98	9/30/2000
(Replaced Don Fuquay)			

MARTIN LUTHER KING, JR. COMMISSION

G.S. 143B-426.34B

Ms. Rosalind Bell		9/21/98	6/30/99
(Replaced Ms. Vivian C. Bowser)			
Ms. Bonita Williams		8/18/98	6/30/99
(Replaced Reverend C. W. Petress)			

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES, COMMISSION FOR

G.S. 120-204

Rep. Charlotte Gardner	(Reappointment)	12/17/98	6/30/2000
Co-Chair			
Rep. Martha B. Alexander	(Reappointment)	12/17/98	6/30/2000
Rep. Cherie K. Berry	(Reappointment)	12/17/98	6/30/2000
Rep. James W. Crawford, Jr.	(Reappointment)	12/17/98	6/30/2000
Rep. Larry T. Justus		12/17/98	6/30/2000
Rep. W. Eugene Wilson	(Reappointment)	12/17/98	6/30/2000
Hon. David Stewart	(Reappointment)	12/17/98	6/30/2000
Ms. Lou B. Wilson	(Reappointment)	12/17/98	6/30/2000

MINORITY HEALTH ADVISORY COMMITTEE

G.S. 130A-33.44

Rep. Beverly Earle		8/20/98	6/30/2000
Rep. Thomas E. Wright		8/20/98	6/30/2000
Ms. Nikki E. Hines, BSN		8/20/98	6/30/2002
(Health provider representative position)			
Ms. Nancy H. McAllister		8/24/98	6/30/2002

MUNICIPAL INCORPORATIONS, JOINT LEGISLATIVE COMMISSION ON
G.S. 120-158

Mr. Jerry Ayscue	2/2/98	6/30/99
(Replaced Mr. Clayton Loflin)		

NURSING BOARD OF DIRECTORS, NORTH CAROLINA CENTER FOR
G.S. 90-171.71

Ms. Barbara McCullough	10/28/98	6/30/2001

OREGON INLET STABILIZATION STUDY COMMISSION
Senate Bill 1366, Section 15.5A(b)

Rep. Joanne W. Bowie, Co-Chair	11/19/98	Final Report
Rep. Arlie F. Culp	11/19/98	Final Report
Rep. Rick Eddins	11/19/98	Final Report
Rep. W. Franklin Mitchell	11/19/98	Final Report
Mr. Danny Gray	11/19/98	Final Report
Dr. Stanley R. Riggs	11/19/98	Final Report
Mr. Jonathan Robinson	11/19/98	Final Report

OSTEOPOROSIS TASK FORCE
Senate Bill 352, Section 15.32(c)

Ms. Deb Bateman	2/24/98	Report to Gov.
(Registered nurse position)		and 1999 G.A.
Dr. Suzanne Craig	2/2/98	"
Ms. Shirley Holgate	12/17/98	"
(Replaced Mr. Bill Dick)		
Mr. Neil McPhail	2/2/98	"
(Pharmacist position)		
Hon. Derle Walker	2/17/98	"
(County Commissioner position)		

PARKS AND RECREATON AUTHORITY, NORTH CAROLINA
G.S. 143B-313.2

Dr. G. Robert Horton	(Reappointment)	10/28/98	6/30/2000
Mr. Walter Israel		10/28/98	6/30/2000
Ms. Drane McCall	(Reappointment)	10/28/98	6/30/99
Mr. Glenn T. Pope	(Reappointment)	10/28/98	6/30/99

PERSONNEL COMMISSION, STATE
G.S. 126-2(1)

Mr. Ervin L. Ball, Jr.	12/1/98	6/30/2004

PETROLEUM UNDERGROUND STORAGE TANK FUNDS COUNCIL, NORTH CAROLINA

G.S. 143-215.94A

Ms. Catherine A. Ross		1/28/98	6/30/99
(Replaced Mr. George Luckadoo)			

PORTS AUTHORITY, NORTH CAROLINA STATE

G.S. 143B-452

Mr. Patrick P. Joyce	(Reappointment)	10/28/98	6/30/2000

PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4

Mr. Greg Scott	(Reappointment)	10/28/98	6/30/2001

PROFESSIONAL TEACHING STANDARDS COMMISSION, NORTH CAROLINA

G.S. 115C-295.1

Ms. Cynthia Barnes	(Reappointment)	10/13/98	8/31/2000
Ms. Jennifer B. Bennett		12/9/98	8/31/2000
(At-Large position)			
(Replaced Ms. Dawn Swigar)			
Ms. Joan F. Celestino	(Reappointment)	10/13/98	8/31/2000
Ms. Joan Shelton		10/13/98	8/31/2000
Ms. Dawn Swigar	(Reappointment)	10/13/98	8/31/2000
Ms. Dawn Swigar		12/9/98	8/31/2000
(Elementary school teacher position)			
(Replaced Ms. Cindy Barnes)			

PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

Rep. Theresa H. Esposito, Co-Chair		11/17/98	6/30/2000
(Reappointment)			
Rep. James W. Crawford, Jr.		11/17/98	6/30/2000
Rep. Charlotte Gardner		11/17/98	6/30/2000
Rep. Julia C. Howard		11/17/98	6/30/2000
Rep. Danny McComas		11/17/98	6/30/2000
Mr. Ralph Burroughs	(Reappointment)	11/17/98	6/30/2000
Ms. Amanda Smith		12/17/98	6/30/2000

ROANOKE ISLAND COMMISSION

G.S. 143B-131.1

Mr. George A. Embrey		11/17/98	9/30/2000
Mr. Wallace W. Harvey, III		1/28/98	10/1/99
Rev. Paul E. Mericle		11/17/98	9/30/2000
Mr. William H. Rea, Jr.		11/17/98	9/30/2000

RULES REVIEW COMMISSION
G.S. 143B-30.1

Mr. William Paul Powell, Jr.		11/17/98	6/30/2000
Mr. Palmer Sugg		11/17/98	6/30/2000

SCHOOL TECHNOLOGY, COMMISSION ON
G.S. 115C-102.5

Rep. Fern H. Shubert, Co-Chair		1/7/98	6/30/99

SCHOOL-BASED MANAGEMENT, TASK FORCE ON
G.S. 115C-105.31

Rep. Jean Preston		12/30/98	9/1/2000
Rep. Wayne Sexton		12/30/98	9/1/2000
Dr. Frances Corbett		12/30/98	9/1/2000
Ms. Kathy Neagle		12/30/98	9/1/2000
Ms. Gloria Williams		12/30/98	9/1/2000

SOIL SCIENTIST, NORTH CAROLINA BOARD OF LICENSING
G.S. 89F-4(4)

Mr. Steven A. Stadelman		10/28/98	6/30/2001

SOUTHEASTERN FARMERS MARKET
G.S. 106-727

Mr. Lee Stevens, Jr.	(Reappointment)	10/28/98	6/30/2002
Mr. Kermit Williamson	(Reappointment)	10/28/98	6/30/2002

SOUTHERN DAIRY COMPACT COMMISSION
G.S. 106-811(a-2)

Mr. Billy Holiday		3/26/98	6/30/2001

STATE INFRASTRUCTURE COUNCIL
G.S. 143-690

Rep. Rex L. Baker		1/1/99	12/31/2001
Rep. Harold J. Brubaker		1/1/99	12/31/2001
Rep. James C. Carpenter		1/1/99	12/31/2001
Rep. Howard J. Hunter, Jr.		1/1/99	12/31/2000
Rep. Frank Mitchell		1/1/99	12/31/2000

STRUCTURAL PEST CONTROL COMMITTEE
G.S. 106-65.23

Mr. Don Joyce		12/17/98	6/30/2002

SUBSTANCE ABUSE ADVISORY COUNCIL
G.S. 143B-270

Mr. Mike L. Barnette	12/17/98	9/30/99
(Recovering community position)		
(Replaced John Shields)		
Mr. Russell Williams	12/17/98	9/30/99
(Substance abuse services position)		
(Replaced Rev. Roby Linebarger)		

TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, BOARD OF TRUSTEES OF THE
G.S. 135-39

Mr. Mike Holden	10/28/98	6/30/2000

THERAPEUTIC RECREATION CERTIFICATION, NORTH CAROLINA STATE BOARD OF
G.S. 90C-5

Mr. Douglas O'Neal	12/17/98	6/30/2001

TRANSPORTATION, NORTH CAROLINA STATE BOARD OF
G.S. 143B-350

Mr. Alan V. Pugh	12/9/98	6/30/99
(Replaced Mr. Chip Shelton)		

TRAVEL AND TOURISM BOARD, NORTH CAROLINA
G.S. 143B-434.1

Rep. Mia Morris	12/31/98	12/31/2000
Rep. Gregory J. Thompson	12/31/98	12/31/2000

VOCATIONAL REHABILITATION ADVISORY COUNCIL
G.S. 143-548

Mr. Phil A. Grant	12/17/98	6/30/2001

WATERSHED PROTECTION ADVISORY COUNCIL
G.S. 143-214.6(6); G.S. 143-214.6(7)

Mr. Charlie Hollis	2/17/98	6/30/99
Hon. William J. Trogdon	12/17/98	6/30/99

WELL CONTRACTORS CERTIFICATION COMMISSION
G.S. 143B-301.12

Mr. Dale Todd	1/29/98	6/30/2001
(Resident of county located east of Interstate 95)		

WIRELESS 911 BOARD

G.S. 62B-2(2)

Mr. David Keever	10/28/98	6/30/2002
(CMRS provider)		
Hon. Dane Mastin	10/28/98	6/30/2002
(Sheriff's position)		
Mr. Frank T. Thomason	10/28/98	6/30/2002
(Association of Public Safety Communications Officials position)		
Ms. Pamela M. Tope	10/28/98	6/30/2002
(CMRS provider)		
Mr. Mike Watson	10/28/98	6/30/2002
(CMRS provider)		

NORTH CAROLINA HOUSE OF REPRESENTATIVES

Office of the Speaker

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Whereas, various and sundry matters relative to the enforcement and interpretation of the election and campaign finance laws of the State of North Carolina have been made the subject of complaints to the North Carolina State Board of Elections; and

Whereas, particular complaints have been lodged with the North Carolina State Board of Elections relating to the activities of certain 501-C-5 corporations as they relate to the influencing of elections and the lack of reporting requirements as to both corporate and personal contributions thereto; and

Whereas, these complaints and other allegations have been the subject of commentary in the press and electronic media causing public concern and questions of public trust;

NOW, THEREFORE;

Section 1. Pursuant to the authority vested in me by Resolution 1. of the North Carolina House of Representatives, Session 1997, Section V, Rule 26(a), and Article 5(A), Section 120-19.1 et seg., of the North Carolina General Statutes, I do hereby establish:

THE HOUSE SELECT INVESTIGATIVE COMMITTEE ON ELECTION LAW COMPLIANCE

The following members of the North Carolina House of Representatives are appointed as members of this Select Committee:

Representative Danny McComas - Chair
Representative Lyons Gray
Representative Foyle Hightower
Representative Julia Howard
Representative Frank Mitchell
Representative Richard Moore

Section 2. It shall be the duty of this Select Investigative Committee to examine witnesses, documents, tape recordings, electronic communications, and any other information or other working papers, audits or communications of any kind as it may deem necessary concerning the application, administration, practice and legal compliance with the election and campaign finance laws of the State of North Carolina.

Section 3. The Select Investigative Committee is hereby vested with all of the authority set out in Article 5A of Chapter 120 of the General Statutes including, but not limited to, the authority to administer oaths, examine under oath, the issuance of subpoenas pursuant to N.C.G.S. 120-19.2(c) and to request data and information pursuant to N.C.G.S. 120-19.

Section 4. The Select Investigative Committee is authorized to meet during sessions of the General Assembly, during recesses, and in the interim periods between sessions, upon the call of its' chair.

Section 5. Members of the Select Investigative Committee shall receive per diem, subsistence and travel allowance at the rate established in 120-3.1.

Section 6. The expenses of the Select Investigative Committee including per diem, subsistence, travel allowances, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker pursuant to N.C.G.S. 120-32.02(c) and 120-35 from

funds available to the House of Representatives for its operations.

Section 7. The members of this Select Investigative Committee serve at the pleasure of the Speaker of the House who may dissolve the Select Investigative Committee at any time before 31 December 1998, at which time this Select Investigative Committee shall dissolve.

Effective this 23rd day of February, 1998.

S/ Harold J. Brubaker
Speaker of the North Carolina
House of Representatives

Attest:

S/ Denise Weeks
Principal Clerk

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 78

PCCS2910-LR6, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ESTABLISH JURISDICTION FOR THE HEARING OF STATE EMPLOYEE WORKPLACE HARASSMENT GRIEVANCES BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE STATE PERSONNEL COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 126-4(11) reads as rewritten:

"(11) In cases where the Commission finds ~~discrimination~~ discrimination, harassment, or orders reinstatement or back pay whether (i) heard by the Commission or (ii) appealed for limited review after settlement or (iii) resolved at the agency level, the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved."

Section 2. G.S. 126-34 reads as rewritten:

"**§ 126-34. Grievance appeal for career State employees.**

Unless otherwise provided in this Chapter, ~~Any~~ any career State employee having a grievance arising out of or due to ~~his~~ the employee's employment and who does not allege unlawful harassment or discrimination because of ~~his~~ the employee's age, sex, race, color, national origin, religion, creed, handicapping condition as defined by G.S. 168A-3, or political affiliation shall first discuss ~~his~~ the problem or grievance with ~~his~~ the employee's supervisor and follow the grievance procedure established by ~~his~~ the employee's department or agency. Any State employee having a grievance arising out of or due to the employee's employment who alleges unlawful harassment because of the employee's age, sex, race, color, national origin, religion, creed, or handicapping condition as defined by G.S. 168A-3 shall submit a written complaint to the employee's department or agency. The department or agency shall have 60 days within which to take appropriate remedial action. If the employee is not satisfied with the department or agency's response to the complaint, the employee shall have the right to appeal directly to the State Personnel Commission."

Section 3. G.S. 126-34.1(a) is amended by adding a new subdivision to read:

"(10) Harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo."

Section 4. G.S. 126-36 reads as rewritten:

"**§ 126-36. Appeal of unlawful State employment practice.**

(a) Any State employee or former State employee who has reason to believe that employment, promotion, training, or transfer was denied ~~him~~ the employee or that demotion, ~~layoff~~ layoff, transfer, or termination of employment was forced upon ~~him~~ the employee in retaliation for opposition to alleged discrimination or because of ~~his~~ the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or ~~handicapped~~ handicapping condition as defined by G.S. 168A-3 except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the State Personnel Commission.

(b) Subject to the requirements of G.S. 126-34, any State employee or former State employee who has reason to believe that the employee has been subjected to any of the following shall have the right to appeal directly to the State Personnel Commission:

(1) Harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro

quo.

(2) Retaliation for opposition to harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or handicapping condition, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo."

Section 5. G.S. 126-37(a) reads as rewritten:

"(a) Appeals involving a disciplinary action, alleged ~~discrimination,~~ discrimination or harassment, and any other contested case arising under this Chapter shall be conducted in the Office of Administrative Hearings as provided in Article 3 of Chapter 150B; provided that no grievance may be appealed unless the employee has complied with G.S. 126-34. The State Personnel Commission shall make a final decision in these cases as provided in G.S. 150B-36, except as provided in subsection (b1) of this section. The State Personnel Commission is hereby authorized to reinstate any employee to the position from which ~~he~~ the employee has been removed, to order the employment, promotion, transfer, or salary adjustment of any individual to whom it has been wrongfully denied or to direct other suitable action to correct the abuse which may include the requirement of payment for any loss of salary which has resulted from the improperly discriminatory action of the appointing authority."

Section 6. This act becomes effective August 15, 1998, and applies to State employee grievances arising on or after that date and to cases pending on that date in the Office of Administrative Hearings or before the State Personnel Commission or on appeal from a decision of the Commission.

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 1304

PCCS3188-RW003C, A BILL TO BE ENTITLED AN ACT TO REFORM THE BOARD OF TRANSPORTATION BY ALTERING ITS GOVERNANCE STRUCTURE, AUTHORIZING A NEW ETHICS POLICY, REQUIRING DISCLOSURE OF POLITICAL CONTRIBUTIONS BY BOARD MEMBERS, INCREASING PUBLIC PARTICIPATION IN ITS DECISIONS, AND CHANGING THE PENALTIES FOR MISUSE OF A DOT BOARD POSITION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-350 is amended by adding the following new subsections:

"(i) Disclosure of Contributions. -- Any person serving on the Board of Transportation or as Secretary of Transportation on December 1, 1998, shall disclose on that date any contributions the person or the person's immediate family made to the political campaign of the appointing Governor in the

two years preceding December 1, 1998. A person appointed to the Board of Transportation and a person appointed as Secretary of Transportation after December 1, 1998, shall disclose at the time the appointment of the person is officially made public any contributions the person or the person's immediate family made to the political campaign of the appointing Governor in the two years preceding the date of appointment. The term 'immediate family', as used in this subsection, means a person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be filed with the Governor or the Governor's designee and in a manner as prescribed by the Governor. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(j) Disclosure of Campaign Fund-Raising. -- A person appointed to the Board of Transportation on or after January 1, 2001, and a person appointed as Secretary of Transportation on or after January 1, 2001, shall disclose at the time the appointment of the person is officially made public any contributions the person personally acquired in the two years prior to appointment for: any political campaign for a statewide or State legislative elected office in North Carolina; any political party executive committee or political committee acting on behalf of a candidate for statewide or State legislative office. Disclosure forms shall be filed with the Governor or the Governor's designee and in a manner as prescribed by the Governor. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(k) Ethics Policy. -- The Board shall adopt by December 1, 1998, a code of ethics applicable to members of the Board, including the Secretary. Any code of ethics adopted by the Board shall be supplemental to any other code of ethics that may be applicable to members of the Board or to the Secretary. A code of ethics adopted pursuant to this subsection shall:

(1) Include a prohibition against a member taking action as a Board member when a conflict of interest, or the appearance of a conflict of interest, exists. The ethics policy adopted pursuant to this subsection shall specify that a conflict of interest exists when the use of the Board member's position, or any official action taken by the Board member, would result in financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. The ethics policy adopted pursuant to this subsection shall specify that an appearance of a conflict of interest exists when a reasonable person would conclude from the circumstances that the Board member's ability to

protect the public interest, or perform public duties, would be compromised by personal interest, even in the absence of an actual conflict of interest. The performance of usual and customary duties associated with the public position or the advancement of public policy goals or constituent services, without compensation, shall not constitute the use of the Board member's position for financial benefit. The conflict of interest provision of the ethics policy adopted pursuant to this subsection shall not apply to financial or other benefits derived by a Board member that the Board member would enjoy to an extent no greater than that which other citizens of the State would or could enjoy.

(2) Require the filing of a statement of economic interest. The statement of economic interest shall include a listing of the appointee's legal, equitable, or beneficial interest in real estate holdings in the State, and a statement of the appointee's financial interest in any business related to the State's transportation system. The statement of economic interest shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.

(3) Require the filing of a statement of association. The statement of association shall include a statement of the appointee's membership or other affiliation with, including offices held, in societies, organizations, or advocacy groups pertaining to the State's transportation system. The statement of association shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.

Board members and the Secretary serving on December 1, 1998, shall file the statement of economic interest and statement of association on that date. Board members and the Secretary appointed after December 1, 1998, shall file the statement of economic interest and statement of association at the time the appointment of the person is officially made public. The statement of economic interest and the statement of association shall not be a public record under the provisions of Chapter 132 of the General Statutes until the appointment of the person filing the statement is officially made public.

(l) Additional Requirements for Disclosure Statements. -- All disclosure statements required under subsections (i), (j), and (k) of this section must be sworn written statements.

(m) Ethics and Board Duties Education. -- The Board shall institute by

January 1, 1999, and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in nature and shall include input from the Institute of Government, the North Carolina Board of Ethics, the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial orientation for new members of the Board and continuing education programs for Board members at least once each year."

Section 2. Part 2 of Article 8 of Chapter 143B of the General Statutes, as amended by Section 1 of this act, reads as rewritten:

"Part 2. Board of ~~Transportation -- Secondary Roads Council.~~ Transportation.

"**§ 143B-350. Board of Transportation -- organization; powers and duties, etc.**

~~(a) There is hereby created a Board of Transportation. The Board shall carry out its duties consistent with the needs of the State as a whole and it shall not sacrifice the general statewide interest to the purely local desires of any particular area. The Board may, from time to time, provide that one or more of its members or representatives shall hear any person or persons concerning transportation.~~

~~(b) The Board of Transportation shall have two ex officio members. The Secretary of Transportation shall be an ex officio member of the Board of Transportation and shall be the chairman of the Board of Transportation. The chairman of the North Carolina Rail Council shall be an ex officio member of the Board of Transportation.~~

~~(c) The Board of Transportation shall have 20 members appointed by the Governor. One member shall be appointed from each of the 14 transportation engineering divisions and six members shall be appointed from the State at large. One at-large member shall be a registered voter of a political party other than the political party of the Governor. At least one at-large member shall possess a broad knowledge of public transportation matters. No more than two members provided for in this subsection shall reside in the same engineering division while serving in office. The initial members shall serve terms beginning July 1, 1977, and ending January 14, 1981, or until their successors are appointed and qualified. The succeeding terms of office shall be for a period of four years beginning January 15, 1981, and each four years thereafter. The Governor shall have the authority to remove for cause sufficient to himself, any member appointed by the Governor.~~

~~(d) The Board of Transportation shall have four members appointed by the General Assembly. Two of these members shall be appointed upon the recommendation of the Speaker of the House of Representatives, and two shall be appointed upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The initial members~~

~~appointed by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.~~

(a) Board of Transportation. -- There is hereby created a Board of Transportation. The Board shall carry out its duties consistent with the needs of the State as a whole. The diversity and size of the State require that regional differences be considered by Board members as they develop transportation policy and projects for the benefit of the citizens of the State.

(b) Membership of the Board. --

(1) Number, appointment. -- The Board of Transportation shall have 19 voting members. Fourteen of the members shall be division members appointed by the Governor. Five shall be at-large members appointed by the Governor. At least three members of the Board shall be registered voters of a political party other than the political party of the Governor. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than two members of the Board may reside in the same highway division.

(2) Division members. -- One member shall be appointed from and be a resident of each of the 14 highway divisions. The Governor, in selecting division members, shall consider for appointment persons suggested by the Transportation Advisory Committees located within each division. Division members shall direct their primary effort to developing transportation policy and addressing transportation problems in the region they represent. Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent.

(3) At-large members. -- Five members shall be appointed by the Governor from the State at large. At-large members appointed pursuant to this subdivision shall develop transportation policy and address transportation problems with a statewide perspective. At-large members appointed under this subdivision shall possess the following qualifications:

a. One at-large member shall be a person with expertise in environmental issues affecting the State;

b. One at-large member shall be a person familiar with the State ports and aviation issues;

c. One at-large member shall be a person residing in a rural area of the State with broad knowledge of and

experience in transportation issues affecting rural areas;

d. One at-large member shall be a person residing in an urban area with broad knowledge of and expertise in mass transit;

e. One at-large member shall be a person with broad knowledge of and expertise in government-related finance and accounting.

(c) Staggered Terms. -- The terms of all Board members serving on the Board prior to January 15, 2001, shall expire on January 14, 2001. A new board of 19 members shall be appointed with terms beginning on January 15, 2001. The Board shall serve the following terms: division members representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at-large members filling the positions designated in sub-subdivisions (b)(3)a., b., and e. of this section shall serve four-year terms beginning on January 15, 2001, and four-year terms thereafter; and division members representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at- large members filling the positions designated in sub- subdivisions (b)(3)c. and d. of this section shall serve two-year terms beginning January 15, 2001, and four-year terms thereafter.

(d) Holdover Terms; Vacancies; Removal. -- Members shall continue to serve until their successors are appointed. The Governor may appoint a member to serve out the unexpired term of any Board member. The Governor may remove any member of the Board for any cause the Governor finds sufficient. The Governor shall remove any member of the Board upon conviction of a felony, conviction of any offense involving a violation of the Board member's official duties, or for a violation of the provisions of subsections (i), (j), and (k) of this section or any other code of ethics applicable to members of the Board as determined by the Governor or the Governor's designee.

(e) Organization and Meetings of the Board. -- Within 60 days after January 15, 2001, and thereafter within 60 days following the beginning of the regular term of the Governor, the Governor or his designee shall call the Board into session. The Board shall select a chair and vice-chair from among its membership for two-year terms. The Board may select a chair or vice-chair for one additional two-year term. The Board of Transportation shall meet once in each 60 days at such regular meeting times as the Board may by rule provide and at any place in the State as the Board may provide. The Board may hold special meetings at any time at the call of the chairman or any three members. The Board shall have the power to adopt and enforce rules and regulations for the government of its business and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open to public inspection. The majority of the Board shall constitute a quorum for the transaction of business. Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S.

138-5 and G.S. 138- 6, as appropriate.

(f) Duties of the Board. -- The Board of Transportation shall have duties and powers:

(1) To formulate policies and priorities for all modes of transportation under the Department of Transportation;

(2) To advise the Secretary on matters to achieve the maximum public benefit in the performance of the functions assigned to the Department;

(3) To ascertain the transportation needs and the alternative means to provide for these needs through an integrated system of transportation taking into consideration the social, economic and environmental impacts of the various ~~alternatives.~~ alternatives;

(4) To approve a schedule of all major transportation improvement projects and their anticipated cost for a period of seven years into the future. This schedule is designated the Transportation Improvement Program; it must be published and copies must be available for distribution. The document that contains the Transportation Improvement Program, or a separate document that is published at the same time as the Transportation Improvement Program, must include the anticipated funding sources for the improvement projects included in the Program, a list of any changes made from the previous year's Program, and the reasons for the changes;

(5) To consider and advise the Secretary of Transportation upon any other transportation matter that the Secretary may refer to it;

(6) To assist the Secretary of Transportation in the performance of his duties in the development of programs and approve priorities for programs within the Department;

(7) To allocate all highway construction and maintenance funds appropriated by the General Assembly as well as federal-aid funds which may be available;

(8) To approve all highway construction programs;

(9) To approve all highway construction projects and construction plans for the construction of projects;

(10) To review all statewide maintenance functions;

(11) To award all highway construction contracts;

(12) To authorize the acquisition of rights-of-way for highway improvement projects, including the authorization for acquisition of property by eminent domain;

(13) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

(f1) Municipal Participation. -- The ability of a municipality to pay in

part or whole for any transportation improvement project shall not be a factor considered by the Board of Transportation in its development and approval of a schedule of major State highway system improvement projects to be undertaken by the Department under G.S. 143B-350(f)(4).

(g) Delegation of Board Duties. -- The Board of Transportation may, in its discretion, delegate to the Secretary of Transportation the authority:

(1) To approve all highway construction projects and construction plans for the construction of projects;

(2) To award all highway construction contracts;

(3) To promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department.

The Secretary may, in turn, subdelegate these duties and powers.

(h) Consultation of Board Members. -- Each member of the Board of Transportation who is appointed to represent a transportation engineering division or who resides in a division shall be consulted before the Board makes a decision affecting that division.

(i) Disclosure of Contributions. -- Any person serving on the Board of Transportation or as Secretary of Transportation on December 1, 1998, shall disclose on that date any contributions the person or the person's immediate family made to the political campaign of the appointing Governor in the two years preceding December 1, 1998. A person appointed to the Board of Transportation and a person appointed as Secretary of Transportation after December 1, 1998, shall disclose at the time the appointment of the person is officially made public any contributions the person or the person's immediate family made to the political campaign of the appointing Governor in the two years preceding the date of appointment. The term `immediate family', as used in this subsection, means a person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be filed with the Governor or the Governor's designee and in a manner as prescribed by the Governor. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(j) Disclosure of Campaign Fund-Raising. -- A person appointed to the Board of Transportation on or after January 1, 2001, and a person appointed as Secretary of Transportation on or after January 1, 2001, shall disclose at the time the appointment of the person is officially made public any contributions the person personally acquired in the two years prior to appointment for: any political campaign for a statewide or legislative elected office in North Carolina; any political party executive committee or political committee acting on behalf of a candidate for statewide or legislative office. Disclosure forms shall be filed with the Governor or the Governor's designee and in a manner as prescribed by the Governor. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is

officially made public.

(k) Ethics Policy. -- The Board shall adopt by December 1, 1998. a code of ethics applicable to members of the Board, including the Secretary. Any code of ethics adopted by the Board shall be supplemental to any other code of ethics that may be applicable to members of the Board or to the Secretary. A code of ethics adopted pursuant to this subsection shall:

(1) Include a prohibition against a member taking action as a Board member when a conflict of interest, or the appearance of a conflict of interest, exists. The ethics policy adopted pursuant to this subsection shall specify that a conflict of interest exists when the use of the Board member's position, or any official action taken by the Board member, would result in financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. The ethics policy adopted pursuant to this subsection shall specify that an appearance of a conflict of interest exists when a reasonable person would conclude from the circumstances that the Board member's ability to protect the public interest, or perform public duties, would be compromised by personal interest, even in the absence of an actual conflict of interest. The performance of usual and customary duties associated with the public position or the advancement of public policy goals or constituent services, without compensation, shall not constitute the use of the Board member's position for financial benefit. The conflict of interest provision of the ethics policy adopted pursuant to this subsection shall not apply to financial or other benefits derived by a Board member that the Board member would enjoy to an extent no greater than that which other citizens of the State would or could enjoy.

(2) Require the filing of a statement of economic interest. The statement of economic interest shall include a listing of the appointee's legal, equitable, or beneficial interest in real estate holdings in the State, and a statement of the appointee's financial interest in any business related to the State's transportation system. The statement of economic interest shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.

(3) Require the filing of a statement of association. The

statement of association shall include a statement of the appointee's membership or other affiliation with, including offices held, in societies, organizations, or advocacy groups pertaining to the State's transportation system. The statement of association shall be filed with the Governor, or the Governor's designee, and in a manner as prescribed by the Governor.

Board members and the Secretary serving on December 1, 1998, shall file the statement of economic interest and statement of association on that date. Board members and the Secretary appointed after December 1, 1998, shall file the statement of economic interest and statement of association at the time the appointment of the person is officially made public. The statement of economic interest and the statement of association shall not be a public record under the provisions of Chapter 132 of the General Statutes until the appointment of the person filing the statement is officially made public.

(l) Additional Requirements for Disclosure Statements. -- All disclosure statements required under subsections (i), (j), and (k) of this section must be sworn written statements.

(m) Ethics and Board Duties Education. -- The Board shall institute by January 1, 1999. and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in nature and shall include input from the Institute of Government, the North Carolina Board of Ethics, the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial orientation for new members of the Board and continuing education programs for Board members at least once each year.

(n) Review of Appointments by the Joint Legislative Transportation Oversight Committee. -- The Governor shall submit the names of all proposed Board of Transportation appointees, along with the disclosure statements required under subsections (i), (j), and (k) of this section, to the Joint Legislative Transportation Oversight Committee prior to Board members' taking office. The Committee shall have 30 days to review and submit comments to the Governor on the proposed appointees before they take office. The Governor shall consider the views expressed by the Committee concerning the appointees to the Board. If the Committee does not review or submit comments to the Governor on the proposed Board appointees within the 30 days, the Governor may proceed to appoint the proposed members to the Board."

Section 3. Article 1 of Chapter 136 is amended by adding a new section to read:

"**§ 136-11.1. Local consultation on transportation projects.**

Prior to any action of the Board on a transportation project, the Department shall inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project. A municipality or county may designate a Transportation Advisory Committee to submit its response to the Department's request for a resolution. Upon receipt of a written resolution from all affected municipalities and counties or their designees, or the expiration of the 45-day period, whichever occurs first, the Board may take action. The Department and the Board shall consider, but shall not be bound by, the views of the affected municipalities and counties on each transportation project. The failure of a county or municipality to express its views within the time provided shall not prevent the Department or the Board from taking action. The Department shall not be required to send notice under this section if it has already received a written resolution from the affected county or municipality on the planned transportation project. `Action of the Board', as used in this section, means approval by the Board of: the Transportation Improvement Program and amendments to the Transportation Improvement Program; the Secondary Roads Paving Program and amendments to the Secondary Roads Paving Program; and individual applications for access and public service road projects, contingency projects, small urban projects, and spot safety projects that exceed one hundred fifty thousand dollars ($150,000). The 45-day notification provision may be waived upon a finding by the Secretary of Transportation that emergency action is required. Such findings must be reported to the Joint Legislative Transportation Oversight Committee."

Section 4. G.S. 136-14 reads as rewritten:

"**§ 136-14. Members not eligible for other employment with Department; no sales to Department by employees; members not to sell or trade property with Department; profiting from official ~~position.~~ position; misuse of confidential information by Board members.**

(a) No Board member ~~of the Board of Transportation~~ shall be eligible to any other employment in connection with the ~~Department of Transportation, and no~~ Department.

(b) No Board member ~~of the Board of Transportation~~ or any salaried employee of the Department ~~of Transportation~~ shall furnish or sell any supplies or materials, directly or indirectly, to the ~~Department of Transportation, nor shall any~~ Department.

(c) No Board member ~~of the Board of Transportation,~~ shall, directly or indirectly, engage in any transaction involving the sale of or trading of real or personal property with the ~~Department of Transportation, or~~ Department.

(d) No Board member shall profit in any manner by reason of ~~his~~ the Board member's official action or ~~his~~ official position, except to receive ~~such~~ salary, fees and allowances as by law provided.

(e) No Board member shall take any official action or use the Board member's official position to profit in any manner the Board member's immediate family, a business with which the Board member or the Board member's immediate family has a business association, or a client of the Board member or the Board member's immediate family with whom the Board member, or the Board member's immediate family, has an existing business relationship for matters before the Board.

(f) No Board member shall attempt to profit from a proposed project of the Department if the profit is greater than that which would be realized by other persons living in the area where the project is located. If the profit under this subsection would be greater for the Board member than other persons living in the area where the project is located not only shall the member abstain from voting on that issue, but once the conflict of interest is apparent, the member shall not discuss the project with any other Board member or other officer or employee of the Department except to state that a conflict of interest exists. Under this subsection a Board member is presumed to profit if the profit would be realized by a Board member's immediate family, a business with which the Board member or the Board member's immediate family has a business association, or a client of the Board member or the Board member's immediate family with whom the Board member, or the Board member's immediate family, has an existing business relationship for matters before the Board. Violation of this subsection shall be a Class I felony.

(g) No Board member, in contemplation of official action by the Board member, by the Board, or in reliance on information that was made known to the Board member in the Board member's official capacity and that has not been made public, shall commit any of the following acts:

(1) Acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit that may be affected by such information or official action; or

(2) Intentionally aid another to do any of the above acts.

(h) As used in this section, the following terms mean:

(1) 'Board'. -- The Board of Transportation.

(2) 'Board member'. -- A member of the Board of Transportation.

(3) 'Business association'. -- A director, employee, officer, or partner of a business entity, or owner of more than ten percent (10%) interest in any business entity.

(4) 'Department'. -- The Department of Transportation.

(5) 'Immediate family'. -- Spouse, children, parents, brothers, and sisters.

(6) 'Official action'. -- Actions taken while a Board member related to or in connection with the person's duties as a

Board member including, but not limited to, voting on matters before the Board, proposing or objecting to proposals for transportation actions by the Department or the Board, discussing transportation matters with other Board members or Department staff or employees in an effort to further the matter after the conflict of interest has been discovered, or taking actions in the course and scope of the position as a Board member and actions leading to or resulting in profit.

(7) 'Profit'. -- Receive monetary or economic gain or benefit, including an increase in value whether or not recognized by sale or trade.

(i) ~~Violation~~ Except as otherwise provided in this section, a violation of this section shall be a Class ~~I~~ H felony which may include a fine of not more than twenty thousand dollars ($20,000), or three times the value of the ~~transaction.~~ transaction, whichever amount is greater."

Section 5. (a) The Board of Transportation, with the assistance of the Secretary and the Department of Transportation, shall study realignment and reorganization of the 14 Transportation Divisions of the State to more closely match the urban and rural regions that have developed in the State over the past 40 years and to improve the efficiency of the operations of the Department. The Board shall give primary consideration to the boundaries of the metropolitan planning regions of the State as it considers realignment of the Transportation Divisions. The Board or its designee shall report its findings to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations on or before December 31, 1998.

(b) The Board and the Secretary shall report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations on any proposed changes to the current Transportation Division and District system prior to implementing any changes.

Section 6. The Board of Transportation, with the assistance of the Secretary and the Department of Transportation, shall develop a plan to establish Rural Transportation Planning Organizations (RPOs) as a counterpart to the existing Metropolitan Planning Organizations (MPOs). The Board or its designee shall report its plan to establish these organizations to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations on or before December 31, 1998.

Section 7. The Board of Transportation, with the assistance of the Secretary and the Department of Transportation, shall study the backlog of maintenance needs for the State's highways and suggest methods for addressing this issue, including sources of funds. The Board or its designee

shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations on or before December 31, 1998.

Section 8. The Board of Transportation, assisted by the Secretary and the Department, shall develop a plan to ensure that Board members have additional appropriate technical assistance to allow them to be fully informed and active participants at each Board meeting. The Board or its designee shall submit a report on its plan to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations on or before December 1, 1998, and a report on the implementation of the plan on October 1, 1999.

Section 9. Section 1 of this act becomes effective December 1, 1998. Section 2 of this act becomes effective January 1, 2001. Section 3 of this act becomes effective January 1, 1999, and applies to actions taken by the Board of Transportation on or after March 1, 1999. Section 4 of this act becomes effective December 1, 1998, and applies to offenses committed on or after that date. The remainder of this act becomes effective October 1, 1998. Members of the Board of Transportation serving on and before January 14, 2001, shall continue to serve until the date their successors are appointed in accordance with this act.

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 1354

PCCS6878X-RB, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE CRITICAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS (1) FOR GRANTS AND LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS AND (2) FOR GRANTS, LOANS, OR OTHER FINANCING TO PUBLIC OR PRIVATE ENTITIES FOR CONSTRUCTION OF NATURAL GAS FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Short title. This act shall be known as the "Clean Water and Natural Gas Critical Needs Bond Act of 1998."

Section 2. Purpose. It is the intent of the General Assembly by this act to provide for the issuance of general obligation bonds of the State and to provide that the proceeds realized from the sale of the bonds shall be

allocated as follows:

(a) Clean Water Bonds.

(1) $500,000,000 to provide State matching funds required to receive federal wastewater or water supply assistance funds, to provide additional funding for the Clean Water Revolving Loan and Grant Fund established in Chapter 159G of the General Statutes, and to provide funding by grants to local government units for wastewater treatment and water supply and distribution needs;

(2) $300,000,000 to provide loans to local government units to finance all or a portion of the cost of construction, improvements, enlargements, extensions, and reconstruction of water supply and distribution systems, wastewater collection systems, wastewater treatment works, water conservation projects, and water reuse projects.

(b) Natural Gas Bonds.

$200,000,000 to provide grants, loans, or other financing to natural gas local distribution companies, persons seeking natural gas distribution franchises, State or local government agencies, or other entities for construction of natural gas facilities.

Section 3. Definitions. As used in this act, unless the context otherwise requires:

(1) "Bond rating" means the numerical rating of a unit of local government developed by the NCMC. The rating formula is based on 100 being a theoretically "perfect" unit of local government and is an assessment of the creditworthiness of the unit. Units of local government with a rating below 75 or with no ratings have limited, if any, access to the private markets for financing water and sewer or other debt.

(2) "Bonds" means bonds issued under this act.

(3) "Capacity grant" means a grant awarded by the Rural Economic Development Center to a local government unit to pay all or a portion of the cost associated with the planning and writing of a grant or loan application, a capital improvement plan, or other efforts that support growth and development of rural areas.

(4) "Capital improvement plan" means a report that identifies water and sewer infrastructure and capital needs that address planned and strategic growth. It shall include an assessment of current water and wastewater systems and a projection of those infrastructure needs over a 20-year horizon. The report shall take into consideration government mandates, usefulness of the improvements to the community and the effect on both short and long- term operation and

maintenance of the scheduled improvements and identify alternatives for meeting the identified need including regionalization, consolidation and system mergers, water reuse and conservation.

(5) "Clean Water Revolving Loan and Grant Act" means Chapter 796 of the 1987 Session Laws, as amended from time to time, codified as Chapter 159G of the General Statutes.

(6) "Clean Water Revolving Loan and Grant Fund" means the Clean Water Revolving Loan and Grant Fund as defined in the Clean Water Revolving Loan and Grant Act.

(7) "Cost" means, without intending thereby to limit or restrict any proper definition of this term in financing the cost of facilities or purposes authorized by this act:

a. The cost of constructing, reconstructing, enlarging, acquiring, and improving facilities, and acquiring equipment and land therefor,

b. The cost of engineering, architectural, and other consulting services as may be required,

c. Administrative expenses and charges,

d. Finance charges and interest prior to and during construction and, if deemed advisable by the State Treasurer, for a period not exceeding two years after the estimated date of completion of construction,

e. The cost of bond insurance, investment contracts, credit enhancement and liquidity facilities, interest-rate swap agreements or other derivative products, financial and legal consultants, and related costs of bond and note issuance, to the extent and as determined by the State Treasurer,

f. The cost of reimbursing the State for any payments made for any cost described above, and

g. Any other costs and expenses necessary or incidental to the purposes of this act.

Allocations in this act of proceeds of bonds to the costs of a project or undertaking in each case may include allocations to pay the costs set forth in items c., d., e., f., and g. in connection with the issuance of bonds for the project or undertaking.

(8) "Credit facility" means an agreement entered into by the State Treasurer on behalf of the State with a bank, savings and loan association, or other banking institution, an insurance company, reinsurance company, surety company, or other insurance institution, a corporation, investment banking firm, or other investment institution, or

any financial institution or other similar provider of a credit facility, which provider may be located within or without the United States of America, such agreement providing for prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest on any bonds or notes payable on demand or tender by the owner, in consideration of the State agreeing to repay the provider of the credit facility in accordance with the terms and provisions of such agreement.

(9) "Economically depressed area" means any of the following:

a. An economically distressed county as defined in G.S. 143B-437.01.

b. That part of a rural county whose poverty rate is at least one hundred fifty percent (150%) of the State poverty rate. For the purpose of this section, the poverty rate is the percentage of the population with income below the latest annual federal poverty guidelines issued by the Bureau of the Census.

c. That part of a rural county that experiences an actual or imminent loss of manufacturing jobs in a number that is equal to or exceeds five percent (5%) of the total number of manufacturing jobs in the part.

(10) "Local government units" means local government units as defined in the Clean Water Revolving Loan and Grant Act.

(11) "NCMC" means the North Carolina Municipal Council, Inc., a nonprofit North Carolina corporation which provides bond ratings, or any successor thereto. In the event such corporation dissolves or no longer performs the functions contemplated herein, such term shall mean that comparable corporation designated by the State Treasurer.

(12) "Notes" means notes issued under this act.

(13) "Par formula" means any provision or formula adopted by the State to provide for the adjustment, from time to time, of the interest rate or rates borne by any bonds or notes, including:

a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible,

b. A provision providing for such adjustment based upon a percentage or percentages of a prime rate or base rate, which percentage or percentages may vary or be applied for different periods of time, or

c. Such other provision as the State Treasurer may

determine to be consistent with this act and will not materially and adversely affect the financial position of the State and the marketing of bonds or notes at a reasonable interest cost to the State.

(14) "Rural county" means a county with a density of fewer than 200 people per square mile based on the 1990 United States census.

(15) "Rural Economic Development Center" means the Rural Economic Development Center, Inc., a nonprofit North Carolina corporation, or any successor thereto. In the event such corporation dissolves or no longer performs the functions contemplated herein, such term shall mean that comparable corporation designated by the Governor.

(16) "Rural school" means a school that is located in a rural county or a school that is located outside the corporate limits of any municipality located in a county that is not a rural county.

(17) "School water or wastewater project" means a project to provide clean water or wastewater treatment for a school by upgrading, replacing, or constructing school water or wastewater facilities.

(18) "State" means the State of North Carolina.

(19) "Supplemental grant" means a grant awarded by the Rural Economic Development Center to a local government unit to assist in financing wastewater collection systems, wastewater treatment works, water conservation projects, water reuse projects, or water supply systems.

(20) "Unsewered communities" means those communities lacking centralized, publicly owned wastewater collection systems and wastewater treatment works.

(21) "Wastewater collection systems" means wastewater collection systems as defined in the Clean Water Revolving Loan and Grant Act.

(22) "Wastewater treatment works" means wastewater treatment works as defined in the Clean Water Revolving Loan and Grant Act.

(23) "Water conservation projects" include, but are not limited to, any construction, repair, renovation, expansion, replacement of components, or other capital improvement, including related equipment and land acquisition, designed to:

a. Eliminate the wasteful or unnecessary use or loss of water in the operations of a wastewater collection system, wastewater treatment works, or water supply system; or

b. Enhance the operation of a wastewater collection system, wastewater treatment works, or water supply system to provide a more efficient use of water.

(24) "Water Pollution Control Revolving Fund" means the fund described by G.S. 159G-4(a) and G.S. 159G-5(c).

(25) "Water reuse" means the actual use or application of treated wastewater in or on areas which require water but do not require potable water quality.

(26) "Water supply systems" means water supply systems as defined in the Clean Water Revolving Loan and Grant Act.

Section 4. Authorization of bonds and notes.

(a) Clean Water Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing Clean Water Bonds in the election called and held as provided in this act, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Clean Water Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in an aggregate principal amount not exceeding eight hundred million dollars ($800,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this act.

(b) Natural Gas Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing Natural Gas Bonds in the election called and held as provided in this act, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Natural Gas Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in an aggregate principal amount not exceeding two hundred million dollars ($200,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this act.

Section 5.1. Use of Clean Water Bond and note proceeds.

(a) Special Emphases. The funds to be derived from the sale of the Clean Water Bonds authorized by this act are sufficient to meet no more than a fraction of the needs that now exist and will arise in the immediate future. For this reason, public necessity and the criteria indicated in the appropriate subsection for each allocation of Clean Water Bond proceeds shall be the primary consideration in granting and loaning funds. In addition to public necessity and the applicable criteria, special emphasis shall also be placed on the following:

(1) The creation of efficient systems of water supply and distribution and wastewater collection and disposal. Such

efficiencies may result from the merger or consolidation of smaller systems into regional water and sewer systems where warranted and deemed to be in the best interest of the communities and regions. Such efficiencies may also be obtained through projects proposing water reuse and conservation.

(2) The willingness and ability of local government units to meet their responsibilities through sound fiscal policies, creative planning, and efficient operation and management.

(3) The development of a capital improvement plan.

(4) A reduction in the overall volume of effluent discharged to the State's waters by using alternative methods of wastewater treatment when feasible.

(5) The use of bond proceeds in a manner consistent with the water supply watershed protection requirements of G.S. 143-214.5.

(6) The use of bond proceeds to address current critical infrastructure needs.

Special emphasis is achieved by assigning a significant number of points for the items listed in this subsection in any point system developed for awarding clean water grants or loans from the Clean Water Bond proceeds.

The special emphases in this subsection do not apply to the allocation of Clean Water Bond proceeds for State matching funds or economic development under subsections (d) and (e) of this section.

(b) Prohibited Use of Clean Water Bonds Proceeds. Proceeds from the sale of the Clean Water Bonds shall not be used to construct new water or sewer lines to provide water or sewer connections in any area that has been designated as WS-I or the critical area of any area that has been designated as WS-II, WS-III, or WS-IV by the Environmental Management Commission pursuant to G.S. 143-214.5. The Secretary of Environment and Natural Resources may grant a waiver to allow construction of new water or sewer lines and to provide water or sewer connections if the Secretary finds that granting the waiver is necessary to protect public health or water quality. A waiver granted by the Secretary under this subsection shall include a requirement that the water or sewer line shall be designed and sized to address only the public health or water quality concerns on which the waiver is based and shall not allow for additional connections beyond those necessary to protect public health and water quality. This subsection does not prohibit the repair or replacement of existing water or sewer lines.

In addition, the proceeds shall not be used for the repair, installation, or replacement of a low-pressure pipe wastewater system with another low-pressure pipe wastewater system.

The prohibitions on the use of Clean Water Bond proceeds in this subsection do not apply to the allocation of Clean Water Bond proceeds for

State matching funds under subsection (d) of this section.

(c) High-Unit Cost Grants. The proceeds of three hundred thirty million dollars ($330,000,000) of Clean Water Bonds shall be used by the Department of Environment and Natural Resources to provide grants to local government units for the same purposes and in accordance with the provisions of the Clean Water Revolving Loan and Grant Act for funds in the High-Unit Cost Wastewater Account and the High-Unit Cost Water Supply Account. In addition to the provisions of the Clean Water Revolving Loan and Grant Act and the special emphases in subsection (a) of this section, significant consideration and weight in awarding a clean water grant to an eligible local government unit for expanding infrastructure to support significant additional development shall be given if the applicant, or the local government unit or units having jurisdiction over the service area of the applicant, has adopted a comprehensive land-use plan that meets the requirements of G.S. 159G-10. Any point scheme developed for awarding clean water grants or loans from the clean water bond proceeds for expanding infrastructure to support significant additional development shall assign a significant number of points for having a comprehensive land-use plan that is approved or adopted by the applicant or the local government unit or units having jurisdiction over the service area of the applicant. However, additional points awarded for having a comprehensive land-use plan shall be considered only in the evaluation of competing applications for expanding infrastructure to support additional development and shall not disadvantage other applicants for clean water grants to meet critical infrastructure needs.

The grants shall be made for the purpose of paying the cost of water supply systems, wastewater collection systems, and wastewater treatment works, water conservation projects, water reuse projects, and school water or wastewater projects. The proceeds shall be allocated as follows:

(1) High-Unit Cost Wastewater Account:
  a. Reserved for grants to local government units whose bond rating is less than 75 or who have no bond rating.....$85,000,000
  b. Reserved for grants to local government units whose bond rating is 75 or greater.....$80,000,000.

(2) High-Unit Cost Water Supply Account:
  a. Reserved for grants to local government units whose bond rating is less than 75 or who have no bond rating.....$85,000,000
  b. Reserved for grants to local government units whose bond

rating is 75 or greater.....$80,000,000.

The proceeds shall be transferred to the Clean Water Revolving Loan and Grant Fund to make grants to the appropriate local government unit qualifying for a grant from the Clean Water Revolving Loan and Grant Fund in accordance with the provisions of this act and the Clean Water Revolving Loan and Grant Act.

A county may apply for a grant on behalf of a rural school located in the county for a school water or wastewater project.

(d) State Matching Funds. The proceeds of thirty-five million dollars ($35,000,000) of Clean Water Bonds shall be used by the Department of Environment and Natural Resources to provide State funds necessary for the 1999-2000, 2000-2001, 2001-2002, 2002-2003, and 2003-2004 fiscal years to match the federal wastewater or water supply assistance funds deposited in the Water Pollution Control Revolving Fund or another fund that is used to pay the cost of water supply systems, wastewater collection systems, or wastewater treatment works and is eligible to receive federal matching funds, unless the General Assembly has provided the required match through other sources, in which event this allocation shall cease to exist to the extent of the availability of the other sources. The Department of Environment and Natural Resources shall certify to the State Treasurer the amount of funds required for the State match for each of the fiscal years ending June 30, 2000, June 30, 2001, June 30, 2002, June 30, 2003, and June 30, 2004, and the extent to which the General Assembly has provided other funds for this purpose. Upon certification each year of the amount of funds required for the State match for that fiscal year, the State Treasurer may issue from the thirty-five million dollars ($35,000,000) the amount certified up to thirty-five million dollars ($35,000,000). Upon certification for the State match required for the fiscal year ending June 30, 2004, the State Treasurer may issue the remaining balance of the thirty-five million dollars ($35,000,000) of the Clean Water Bonds authorized by this subsection for the purpose of funding the State match for that fiscal year and for any other purposes authorized by this subsection or subsection (c) of this section. The proceeds of the bonds necessary for the State match for each fiscal year shall be deposited in the Water Pollution Control Revolving Fund or another appropriate fund or account determined by the State Treasurer.

(e) Economic Development. The proceeds of twenty million dollars ($20,000,000) of Clean Water Bonds shall be used for the purpose of making grants to local government units to pay the cost of clean water projects in connection with the location of industry to, and expansion of industry in, the State. These grants shall be awarded and administered by the Department of Commerce. These funds shall be applied to pay the costs of grants awarded in the same manner as funds in the Industrial Development Fund created in G.S. 143B-437.01(a), for use in accordance with G.S. 143B-437.01(a), subject to the further limitations on the

provisions of G.S. 143B-437.01(a) set forth below, and shall be applied to pay the costs of grants awarded in the same manner as funds in the Utility Account of the Industrial Development Fund created in G.S. 143B-437.01(b1), for use in accordance with G.S. 143B-437.01(b1), subject to the further limitations on the provisions of G.S. 143B-437.01(b1) set forth below. In applying the provisions of G.S. 143B-437.01(a) or G.S. 143B-437.01(b1), as the case may be, the following exceptions shall apply:

(1) The funds shall be used only for grants to local governments, not for loans.

(2) Grants shall be awarded only to projects the Secretary of Commerce finds will have a favorable impact on the clean water objectives of the State.

(3) The only purposes for which grants may be made are construction of or improvements to new or existing water or sewer distribution lines or equipment, construction of or improvements to new or existing wastewater treatment works, or improvements that will expand the capacity of existing wastewater treatment works or water supply systems.

(4) The projects may be located only in counties that are economically distressed as defined in G.S. 143B-437.01 or have a population of less than 50,000.

(5) Grants may be made only with respect to the following industries as defined in G.S. 105-129.2, notwithstanding any expiration of that statute: manufacturing and warehousing and wholesale trade.

(6) The provisions of G.S. 143B-437.01(a) or G.S. 143B-437.01(b1), as the case may be, that limit the expenditure of funds to costs of utility lines or facilities located on the site of the new or proposed industrial building or that are directly related to the operation of the specific industrial activity at the building, shall not apply if the utility lines or facilities being provided will further the clean water objectives of the State.

The General Assembly finds that the purpose of providing water and sewer distribution lines and wastewater treatment works in counties eligible for grants under this subsection is to provide clean water in North Carolina in several different ways. First, these projects will reduce industrial reliance on wells, septic tanks, and other similar facilities. Second, when a distribution line is extended to an industrial facility in an area not otherwise served by water and sewer infrastructure, residents, other businesses, and local governments can connect into the distribution line, bringing clean water, wastewater treatment, or both to the unserved area. Also, the installation and expansion of water supply and wastewater treatment facilities to provide water supply and wastewater treatment in

connection with new or expanding industry will result in additional water supply and treatment facilities available to the residents, other businesses, and local governments in the area where the installation or expansion occurs.

The proceeds of the Clean Water Bonds, issued for the purpose described in this subsection, shall be held in the Clean Water Bonds Fund until needed for expenditure by the grantee for the payment of the cost for the purpose for which the grant is made. The Department of Commerce shall maintain records that document the timing and purpose for which each expenditure of proceeds of a grant is made.

(f) Supplemental and Capacity Grants. The proceeds of sixty million dollars ($60,000,000) of Clean Water Bonds shall be used to provide supplemental and capacity grants to eligible local government units to match federal, State, and other grant or loan program funds to plan or improve needed water and sewer projects. Such grants shall be awarded and administered by the Rural Economic Development Center. Those proceeds shall be allocated as follows:

(1) Supplemental Grants.....$48,000,000
(2) Capacity Grants.....$12,000,000.

The Rural Economic Development Center shall certify to the State Treasurer the amount of funds required, not to exceed eight million dollars ($8,000,000) for supplemental grants and not to exceed two million dollars ($2,000,000) for capacity grants, for each of the fiscal years ending June 30, 2000, June 30, 2001, June 30, 2002, June 30, 2003, June 30, 2004, and June 30, 2005. Upon certification each year of the amount of funds required for that fiscal year, the State Treasurer may issue the amount certified up to ten million dollars ($10,000,000). Upon certification for the fiscal year ending June 30, 2005, the State Treasurer may issue the remaining balance of the sixty million dollars ($60,000,000) of the Clean Water Bonds authorized by this subsection for any other purposes authorized by this subsection.

Grants made from the proceeds of this sixty million dollars ($60,000,000) for supplemental grants shall be based on the following criteria:

(1) The applicant shall be a rural county, a local government unit located in a rural county, or a county that is applying for a grant on behalf of a rural school located in that county as provided in subdivision (5) of this subsection.
(2) A water supply system, wastewater collection system, or wastewater treatment work shall receive funding priority if the system is located within an economically distressed county as defined in G.S. 143B-437.01.
(3) A water supply system, wastewater collection system, or wastewater treatment works that is proposed in a rural county that is not also an economically distressed county, as defined in G.S. 143B-437.01, must meet at least one of the

following criteria: (i) be located in that part of the county where the poverty rate is at least one hundred fifty percent (150%) of the State poverty rate, (ii) be located in that part of the county where the unemployment rate is at least double the State unemployment rate for the most recent reporting period available, or (iii) be located in that part of the county that experiences an actual or imminent loss of jobs in a number that equals or exceeds five percent (5%) of the total number of jobs in that part of the county. Any grant awarded under this subdivision (3) shall be matched by the applicant on a dollar-for-dollar basis in the amount of the grant awarded.

(4) The grant funds shall supplement other funding and shall not represent the total costs of the wastewater collection systems, wastewater treatment works, water conservation projects, water reuse projects, or water supply systems financed.

(5) A county may apply for a grant on behalf of a rural school located in the county for a school water or wastewater project.

The Rural Economic Development Center shall award grants to units of local government for the purposes authorized by this subsection in accordance with the criteria set forth in this subsection. The proceeds of the Clean Water Bonds issued for the purpose described in this subsection shall be held in the Clean Water Bonds Fund until needed for expenditure by the grantee for the payment of costs for the purposes for which the grant is made. The Rural Economic Development Center shall maintain records that document the timing and purpose for which each expenditure of proceeds of a grant is made and shall furnish such records to the Secretary of Commerce at the time a request for a payment to or on behalf of a grantee is to be made.

At the end of each fiscal year, the Secretary of Commerce shall review the grants awarded by the Rural Economic Development Center with proceeds from the Clean Water Bonds to verify that the grants awarded comply with the requirements of this act. The Secretary of Commerce shall provide his or her findings regarding compliance in writing to the State Treasurer. At the time the Rural Economic Development Center provides information to the Secretary of Commerce as to the grants awarded during the preceding fiscal year, the Rural Economic Development Center shall also provide the Secretary of Commerce with a copy of all records of the Rural Economic Development Center from the preceding fiscal year (to the extent not previously provided to the Secretary) that document the timing and purposes of the expenditures by the grantee units of local government of the proceeds of the grants funded from proceeds of the Clean Water Bonds.

(g) Unsewered Community Grants. The proceeds of fifty- five million dollars ($55,000,000) of Clean Water Bonds shall be used to provide grants to eligible local government units to assist with wastewater treatment works and wastewater collection systems. Such grants shall be awarded and administered by the Rural Economic Development Center.

The proceeds of this fifty-five million dollars ($55,000,000) of Clean Water Bonds shall be awarded on the following criteria:

(1) The applicant shall be a local government unit.

(2) The applicant's population shall not exceed 5,000 persons using the most recent annual population estimates certified by the State Planning Officer.

(3) The applicant shall be an unsewered community.

(4) The applicant's median household income shall not exceed ninety percent (90%) of the national median household income using the most recently updated income figures made available from the Bureau of the Census.

(5) The applicant has agreed by official resolution to adopt and place into effect on or before completion of the project a schedule of fees and charges for the proper operation, maintenance, and administration of the project. The schedule of fees and charges shall reflect at least the average annual water and wastewater cost per household calculated at one and one-half percent (1 1/2%) of the median household income of the applicant.

(6) The applicant must submit as part of the application packet a preliminary engineering report, including an analysis of possible wastewater service alternatives, and an environmental assessment.

An applicant who satisfies the criteria under this subsection (g) may be eligible for up to ninety percent (90%) of the total project cost.

The Rural Economic Development Center shall award grants to units of local government for the purposes authorized by this subsection in accordance with the criteria set forth in this subsection. The proceeds of the Clean Water Bonds issued for the purpose described in this subsection shall be held in the Clean Water Bonds Fund until needed for expenditure by the grantee for the payment of costs for the purposes for which the grant is made. The Rural Economic Development Center shall maintain records that document the timing and purpose for which each expenditure of proceeds of a grant is made and shall furnish such records to the Secretary of Commerce at the time a request for payment to or on behalf of a grantee is to be made.

At the end of each fiscal year the Secretary of Commerce shall review the grants awarded by the Rural Economic Development Center with proceeds from the Clean Water Bonds to verify that the grants awarded comply with the requirements of this act. The Secretary of Commerce shall

provide his or her findings regarding compliance in writing to the State Treasurer.

At the time that the Rural Economic Development Center provides information to the Secretary of Commerce as to the grants awarded during the preceding fiscal year, the Rural Economic Development Center shall also provide the Secretary of Commerce with a copy of all records of the Rural Economic Development Center from the preceding fiscal year (to the extent not previously provided to the Secretary) that document the timing and purposes of the expenditures by the grantee units of local government of the proceeds of the grants funded from the proceeds of the Clean Water Bonds.

(h) Loans to Local Governments. The proceeds of three hundred million dollars ($300,000,000) of Clean Water Bonds shall be used for the purpose of making loans to local government units to pay the cost of water supply systems, water conservation projects, water reuse projects, wastewater collection systems, and wastewater treatment works. The proceeds shall be allocated as follows:

(1) Wastewater collection systems and wastewater treatment works:

a. Reserved for loans to local government units whose bond rating is less than 75 or who have no bond rating.....$10,000,000

b. Reserved for loans to local government units whose bond rating is 75 or more.....$140,000,000.

(2) Water supply and distribution systems and water conservation projects:

a. Reserved for loans to local government units whose bond rating is less than 75 or who have no bond rating.....$10,000,000

b. Reserved for loans to local government units whose bond rating is 75 or more.....$140,000,000.

The proceeds shall be used to make loans directly to local government units qualifying for a loan from the Clean Water Revolving Loan and Grant Fund or loaned in such other manner as shall effectuate the purposes of this act. To qualify for a loan for the purpose of paying the cost of water supply systems, a local government unit must have a water supply facility plan approved by the Department of Environment and Natural Resources. A water supply facility plan submitted by a local government unit to the Department under G.S. 143-355(l) will be sufficient to meet this requirement. To qualify for a loan for the purpose of paying the cost of wastewater collection systems or wastewater treatment works, a local

government unit must have a wastewater facility plan approved by the Department of Environment and Natural Resources. A wastewater facility plan must project future wastewater treatment needs, must present a long-range plan to meet those needs, and must include plans for system operations and maintenance of the facilities being built with the bond proceeds. In addition to the requirements listed above and the special emphases in subsection (a) of this section, significant consideration and weight in awarding a clean water grant to an eligible local government unit for expanding infrastructure to support significant additional development shall be given if the applicant, or the local government unit or units having jurisdiction over the service area of the applicant, has adopted a comprehensive land-use plan that meets the requirements of G.S. 159G-10. Any point scheme developed for awarding clean water grants or loans from the clean water bond proceeds for expanding infrastructure to support significant additional development shall assign a significant number of points for having a comprehensive land-use plan that is approved or adopted by the applicant or the local government unit or units having jurisdiction over the service area of the applicant. However, additional points awarded for having a comprehensive land-use plan shall be considered only in the evaluation of competing applications for expanding infrastructure to support significant additional development and shall not disadvantage other applicants for clean water loans to meet critical infrastructure needs.

A county may apply for a loan on behalf of a rural school located in the county for a school water or wastewater project.

The Department of Environment and Natural Resources shall set the priorities and determine the eligibility of local government units for these loans in accordance with Section 10 of this act. The form of the loans and the details thereof including, without limitation, the maturity, interest rate, and amortization schedule shall be determined, from time to time, by the State Treasurer. In making these determinations, the State Treasurer shall consider the purpose of the loans, the ability of local government units to repay the loans, and the security for the loans. The interest rates on these loans shall reflect the self-supporting nature of the loan program and shall be sufficient to cover substantially all payments of debt service on the three hundred million dollars ($300,000,000) of Clean Water Bonds and the issuance costs and administrative expenses associated with the issuance of these bonds and the making of these loans, subject to any applicable requirements of the federal tax law.

Repayments of the loans shall be credited to the General Fund and may be used to pay, directly or indirectly, debt service on the bonds and notes issued. Repayments may be initially placed into such fund or account as may be determined by the State Treasurer for the purpose of determining compliance with applicable requirements of the federal tax law and shall be expended and disbursed therefrom under the direction and supervision of the Director of the Budget.

(i) Redistribution of the Allocation. The General Assembly may at this session or at any subsequent session increase or decrease the allocations of the proceeds of the Clean Water Bonds set forth in subsections (c), (d), (e), (f), (g), and (h) of this section, so long as the aggregate amount of the allocations does not exceed eight hundred million dollars ($800,000,000).

(j) Contracts With Private Entities. To the extent otherwise authorized by law, and to the extent the use otherwise accomplishes the clean water objectives of the State, this act does not prohibit a local government unit from using the proceeds of Clean Water Bonds for projects that accomplish the clean water objectives of this State through contracts or other arrangements with private entities.

Section 5.2. Use of Natural Gas Bonds and note proceeds. The proceeds of Natural Gas Bonds and notes shall be used for the purpose of providing grants, loans, or other financing to natural gas local distribution companies, persons seeking natural gas distribution franchises, State or local government agencies, or other entities for the costs of constructing natural gas facilities, including pipelines, compressors, interests in real property, and related equipment for the delivery of natural gas in order to facilitate the expansion of natural gas facilities to unserved areas of the State in accordance with the findings of the General Assembly as described in Section 16 of this act.

Section 6. Allocation of proceeds.

(a) Clean Water Bonds. The proceeds of Clean Water Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "Clean Water Bonds Fund", which may include such appropriate special accounts therein as may be determined by the State Treasurer and shall be disbursed as provided in this act. Moneys in the Clean Water Bonds Fund shall be allocated and expended as provided in this act.

Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source for deposit to the Clean Water Bonds Fund may be placed in the Clean Water Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

Moneys in the Clean Water Bonds Fund or any separate clean water fund or account established under this act may be invested from time to time by the State Treasurer in the same manner permitted for investment of moneys belonging to the State or held in the State treasury, except with respect to grant money to the extent otherwise directed by the terms of the grant. Investment earnings, except investment earnings with respect to grant moneys to the extent otherwise directed or restricted by the terms of the grant, may be (i) credited to the Clean Water Bonds Fund or any

separate clean water fund or account established under this act, (ii) used to pay debt service on the bonds authorized by this act, (iii) used to satisfy compliance with applicable requirements of the federal tax law, or (iv) transferred to the General Fund of the State.

The proceeds of bonds and notes may be used with any other moneys made available by the General Assembly for making grants and loans authorized by this act, including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this act shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

(b) Natural Gas Bonds. The proceeds of Natural Gas Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "Natural Gas Bonds Fund", which may include such appropriate special accounts therein as may be determined by the State Treasurer, and shall be disbursed as provided in this act. Moneys in the Natural Gas Bonds Fund shall be allocated and expended as provided in this act. The proceeds may be used in accordance with G.S. 62-159 or may be distributed in accordance with the provisions of legislation enacted by the General Assembly in 1998 or later providing for the allocation of the bond proceeds for the purposes provided in this act.

Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any natural gas grants authorized by this act may be placed by the State Treasurer in the Natural Gas Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

Moneys in the Natural Gas Bonds Fund or any separate natural gas fund or account established under this act may be invested from time to time by the State Treasurer in the same manner permitted for investment of moneys belonging to the State or held in the State treasury, except with respect to grant money to the extent otherwise directed by the terms of the grant. Investment earnings, except investment earnings with respect to grant money to the extent otherwise directed or restricted by the terms of the grant, may be (i) credited to the Natural Gas Bonds Fund or any separate natural gas fund or account established under this act; (ii) used to pay debt

service on the Natural Gas Bonds authorized by this act; (iii) used to satisfy compliance with applicable requirements of the federal tax law; or (iv) transferred to the General Fund of the State.

The proceeds of Natural Gas Bonds and notes may be used with any other moneys made available by the General Assembly for providing grants, loans, or other financing in accordance with this act, including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of Natural Gas Bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this act for construction of natural gas facilities shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

The North Carolina Utilities Commission shall provide quarterly reports to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House of Representatives Appropriations Committees, and the Fiscal Research Division on the expenditure of moneys from the Natural Gas Bonds Fund.

(c) Costs. Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in Section 3(7)c., d., e., f., and g. of this act in connection with the issuance of bonds for that capital improvement or undertaking.

Section 7. Election. The questions of the issuance of the bonds authorized by this act shall be submitted to the qualified voters of the State at an election to be held on the first Tuesday after the first Monday of November 1998. Any other primary, election, or referendum validly called or scheduled by law at the time the election on the bond question provided for in this section is held may be held as called or scheduled. Notice of the election shall be given in the manner and at the times required by G.S. 163-33(8). The election and the registration of voters therefor shall be held under and in accordance with the general laws of the State. Absentee ballots shall be authorized in the election.

The State Board of Elections shall reimburse the counties of the State for all necessary expenses incurred in holding the election that are in addition to those that would have otherwise been incurred, the same to be paid out of the Contingency and Emergency Fund or other funds available to the State Board of Elections.

Ballots, voting systems authorized by Article 14 of Chapter 163 of the General Statutes, or both may be used in accordance with rules prescribed by the State Board of Elections. The bond questions to be used in the ballots or voting systems shall be in substantially the following form:

"[ ] FOR [ ] AGAINST
the issuance of eight hundred million dollars ($800,000,000) State of North Carolina Clean Water Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to make loans and grants to local government units to pay all or a portion of the cost of clean water projects."

"[ ] FOR [ ] AGAINST
the issuance of two hundred million dollars ($200,000,000) State of North Carolina Natural Gas Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to provide grants, loans, or other financing to public or private entities for construction of natural gas facilities in order to facilitate the expansion of natural gas facilities to unserved portions of the State."

If a majority of those voting on a bond question in the election vote in favor of the issuance of the bonds described in the question, those bonds may be issued as provided in this act. If a majority of those voting on a bond question in the election vote against the issuance of the bonds described in the question, those bonds shall not be issued.

The results of the election shall be canvassed and declared as provided by law for elections for State officers; the results of the election shall be certified by the State Board of Elections to the Secretary of State, in the manner and at the time provided by the general election laws of the State.

Section 8. Issuance of bonds and notes.

(a) Terms and Conditions. Bonds or notes may bear such date or dates, may be serial or term bonds or notes, or any combination thereof, may mature in such amounts and at such time or times, not exceeding 40 years from their date or dates, may be payable at such place or places, either within or without the United States of America, in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts, may bear interest at such rate or rates, which may vary from time to time, and may be made redeemable before maturity, at the option of the State or otherwise as may be provided by the State, at such price or prices, including a price less than the face amount of the bonds or notes, and under such terms and conditions, all as may be determined by the State Treasurer, by and with the consent of the Council of State.

(b) Signatures; Form and Denomination; Registration. Bonds or notes may be issued as certificated or uncertificated obligations. If issued as certificated obligations, bonds or notes shall be signed on behalf of the State by the Governor or shall bear his or her facsimile signature, shall be signed by the State Treasurer or shall bear his or her facsimile signature, and shall bear the Great Seal of the State or a facsimile thereof shall be

impressed or imprinted thereon. If bonds or notes bear the facsimile signatures of the Governor and the State Treasurer, the bonds or notes shall also bear a manual signature which may be that of a bond registrar, trustee, paying agent, or designated assistant of the State Treasurer. Should any officer whose signature or facsimile signature appears on bonds or notes cease to be such officer before the delivery of the bonds or notes, the signature or facsimile signature shall nevertheless have the same validity for all purposes as if the officer had remained in office until delivery, and bonds or notes may bear the facsimile signatures of persons who at the actual time of the execution of the bonds or notes shall be the proper officers to sign any bond or note although at the date of the bond or note such persons may not have been such officers. The form and denomination of bonds or notes, including the provisions with respect to registration of the bonds or notes and any system for their registration, shall be as the State Treasurer may determine in conformity with this act; provided, however, that nothing in this act shall prohibit the State Treasurer from proceeding, with respect to the issuance and form of the bonds or notes, under the provisions of Chapter 159E of the General Statutes, the Registered Public Obligations Act, as well as under this act.

(c) Manner of Sale; Expenses. Subject to determination by the Council of State as to the manner in which bonds or notes shall be offered for sale, whether at public or private sale, whether within or without the United States of America, and whether by publishing notices in certain newspapers and financial journals, mailing notices, inviting bids by correspondence, negotiating contracts of purchase or otherwise, the State Treasurer is authorized to sell bonds or notes at one time or from time to time at such rate or rates of interest, which may vary from time to time, and at such price or prices, including a price less than the face amount of the bonds or the notes, as the State Treasurer may determine. All expenses incurred in preparation, sale, and issuance of bonds or notes shall be paid by the State Treasurer from the proceeds of bonds or notes or other available moneys.

(d) Notes; Repayment.

(1) By and with the consent of the Council of State, the State Treasurer is hereby authorized to borrow money and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

a. For anticipating the sale of bonds to the issuance of which the Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of the bonds;

b. For the payment of interest on or any installment of principal of any bonds then outstanding, if there shall not be sufficient funds in the State treasury

with which to pay the interest or installment of principal as they respectively become due;

c. For the renewal of any loan evidenced by notes herein authorized;

d. For the purposes authorized in this act; and

e. For refunding bonds or notes as herein authorized.

(2) Funds derived from the sale of bonds or notes may be used in the payment of any bond anticipation notes issued under this act. Funds provided by the General Assembly for the payment of interest on or principal of bonds shall be used in paying the interest on or principal of any notes and any renewals thereof, the proceeds of which shall have been used in paying interest on or principal of the bonds.

(e) Refunding Bonds and Notes. By and with the consent of the Council of State, the State Treasurer is authorized to issue and sell refunding bonds and notes pursuant to the provisions of the State Refunding Bond Act for the purpose of refunding bonds or notes issued pursuant to this act. The refunding bonds and notes may be combined with any other issues of State bonds and notes similarly secured.

(f) Tax Exemption. Bonds and notes shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, excluding inheritance and gift taxes, income taxes on the gain from the transfer of bonds and notes, and franchise taxes. The interest on bonds and notes shall not be subject to taxation as to income.

(g) Investment Eligibility. Bonds and notes are hereby made securities in which all public officers, agencies, and public bodies of the State and its political subdivisions, all insurance companies, trust companies, investment companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, other financial institutions engaged in business in the State, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Bonds and notes are hereby made securities which may properly and legally be deposited with and received by any officer or agency of the State or political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision is now or may hereafter be authorized by law.

(h) Faith and Credit. The faith and credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on bonds and notes. In addition to the State's right to amend any provision of this act to the extent it does not impair any contractual right of a bond owner, the State expressly reserves the right to amend any provision of this act with respect to the making and repayment of loans, the disposition of any repayments of loans, and any intercept provisions relating to the failure

of a local government unit to repay a loan, the bonds not being secured in any respect by loans, any repayments thereof, or any intercept provisions with respect thereto.

Section 9. Variable interest rates. In fixing the details of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

(1) Be made payable from time to time on demand or tender for purchase by the owner thereof provided a credit facility supports the bonds or notes, unless the State Treasurer specifically determines that a credit facility is not required upon a finding and determination by the State Treasurer that the absence of a credit facility will not materially or adversely affect the financial position of the State and the marketing of the bonds or notes at a reasonable interest cost to the State;

(2) Be additionally supported by a credit facility;

(3) Be made subject to redemption or a mandatory tender for purchase prior to maturity;

(4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes, including, without limitation, such variations as may be permitted pursuant to a par formula; and

(5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility or to the State.

If the aggregate principal amount repayable by the State under a credit facility is in excess of the aggregate principal amount of bonds or notes secured by the credit facility, whether as a result of the inclusion in the credit facility of a provision for the payment of interest for a limited period of time or the payment of a redemption premium or for any other reason, then the amount of authorized but unissued bonds or notes during the term of such credit facility shall not be less than the amount of such excess, unless the payment of such excess is otherwise provided for by agreement of the State executed by the State Treasurer.

Section 10. Special provisions governing clean water loans.

(a) Scope. The provisions of this section shall apply to loans being made from the proceeds of bonds authorized by this act for clean water projects, other than from funds deposited in the Clean Water Revolving Loan and Grant Fund.

(b) Clean Water Bonds Loan Account. There is established in the Department of State Treasurer a special account to be known as the Clean Water Bonds Loan Account, which may include any special or segregated accounts the State Treasurer considers appropriate. There shall be

deposited in the Clean Water Bonds Loan Account proceeds of the Clean Water Bonds and notes to be used to make loans, other than loans to be made through the Clean Water Revolving Loan and Grant Fund, to local government units for clean water projects as provided in this act.

Except as otherwise permitted by Section 6 of this act with respect to the use of investment earnings, all moneys accruing to the credit of the Clean Water Bonds Loan Account other than funds set aside for administrative expenses, including expenses related to determining compliance with applicable requirements of the federal tax law and costs of issuance, shall be used to make loans for the purposes provided in this act. The State Treasurer shall be responsible for making and administering all loans pursuant to the provisions of this section.

(c) Application for Loans; Hearings.

(1) Eligibility/Initial Hearing:

a. Prior to filing an application for a loan, a local government unit shall hold a public hearing. A notice of the public hearing shall be published once at least 10 days before the date fixed for the hearing.

b. All applications for loans shall be filed with the Department of Environment and Natural Resources. The form of the application shall be prescribed by the Department and shall require any information necessary to determine the eligibility for a loan under the provisions of this section. All applications approved by the Department of Environment and Natural Resources shall be filed with the Local Government Commission. Each applicant shall furnish to the Department of Environment and Natural Resources and the Local Government Commission information in addition or supplemental to the information contained in its application, upon request.

c. A local government unit shall not be eligible for a loan unless it demonstrates to the satisfaction of the Department of Environment and Natural Resources and the Local Government Commission that:

1. The applicant is a local government unit;
2. The applicant has the financial capacity to pay the principal of and interest on its proposed loan as evidenced by the approval of the Local Government Commission;
3. The applicant has substantially complied or will substantially comply with all applicable laws, rules, regulations, and ordinances,

whether federal, State, or local; and

4. The applicant has agreed by official resolution to adopt and place into effect a schedule of fees and charges or the application of other sources of revenue which will provide adequate funds for proper operation, maintenance, and administration of the project and repayment of all principal and interest on the loan.

(2) Assessment. The Department of Environment and Natural Resources may require any applicant to file with its application an assessment of the impact the project for which the funds are sought will have upon meeting the facility needs of the area within which the project is to be located.

(3) Hearing by the Department of Environment and Natural Resources or the Local Government Commission. A public hearing may be held by the Department of Environment and Natural Resources or the Local Government Commission at any time on any application. Public hearings may also be held by the Department of Environment and Natural Resources in its discretion upon written request from any citizen or taxpayer who is a resident of the county or counties in which the project is to be located or a resident of the local government unit that proposes to borrow moneys under this act, if it appears that the public interest will be served by the hearing. The written request shall set forth each objection to the proposed project or other reason for requesting a hearing on the application and shall contain the name and address of the persons submitting it. In deciding whether to grant a request for a hearing on an application, the Department of Environment and Natural Resources may consider the application, the written objections to the proposed project, and the facility needs and shall determine if the public interest will be served by a hearing. The determination by the Department of Environment and Natural Resources shall be conclusive, and all written requests for a hearing shall be retained as a permanent part of the records pertaining to the application.

(4) Petition for Vote. A petition, demanding that the question of whether to enter into a loan agreement with the State under this act be submitted to voters, may be filed with the clerk of the local government unit applying for the loan within 15 days after the public hearing required by this section. The petition's sufficiency shall be determined and a

referendum, if any, shall be conducted according to the standards, procedures, and limitations set out in G.S. 159-60 through G.S. 159-62.

(d) Priorities.

(1) Determination. Determination of priorities to be assigned each eligible project shall be made semiannually by the Department of Environment and Natural Resources during each fiscal year. Every eligible project shall be considered by the Department of Environment and Natural Resources with every other project eligible during this same priority period.

(2) Priority Factors. All applications for loans under this act shall be assigned a priority by the Department of Environment and Natural Resources. The Department of Environment and Natural Resources shall establish other priority factors criteria by rule.

(3) Assignment of Priority. A written statement relative to each priority assigned shall be prepared by the Department of Environment and Natural Resources and shall be attached to the application. The priority assigned shall be conclusive.

(4) Failure to Qualify. If an application does not qualify for a loan as of the prior period in which the application was eligible for consideration by reason of the priority assigned, the application shall be considered during the next succeeding priority period upon request of the applicant. If the application again fails to qualify for a loan during the second priority period by reason of the priority assigned, the application shall receive no further consideration. An applicant may file a new application at any time and may amend any pending application to include additional data or information.

(5) Withdrawal of Commitment. Failure of an applicant within one year after the date of acceptance of the loan to arrange for necessary financing of the proposed project or award of the contract of the construction of the proposed project shall constitute sufficient cause for withdrawal of the commitment. Prior to withdrawal of a commitment, the Department of Environment and Natural Resources shall give due consideration to any extenuating circumstances presented by the applicant as reasons for failure to arrange necessary financing or to award a contract, and the commitment may be extended for an additional period of time if, in the judgment of the Department of Environment and Natural Resources, the extension is justified.

(e) Disbursement. To be eligible to receive the loans provided for

in this section, a local government unit must arrange to borrow the amounts necessary pursuant to rules adopted by the Local Government Commission. No funds shall be disbursed until the Department of Environment and Natural Resources gives a certificate of eligibility to the effect that the applicant meets all eligibility criteria and that all procedural requirements of this act have been met. The maximum principal amount of a loan shall be one hundred percent (100%) of the cost of any eligible project.

(f) Intercept. The governing body of a local government unit shall by resolution authorize to be included in its loan agreement a provision authorizing the State Treasurer, upon failure of the local government unit to make a scheduled repayment of the loan, to withhold from the local government unit any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan. In such event, notwithstanding any other provision of law, the State Treasurer is authorized to withhold and apply such funds to the repayment of the loan, except that such funds shall not be withheld if (i) before the execution of the loan agreement, such funds have been legally pledged to secure special obligation bonds or other obligations of the local government unit, or (ii) after the execution of the loan agreement, such funds are legally pledged to secure special obligation bonds or other obligations of the local government unit as authorized in this subsection. After the execution of a loan agreement, all or any portion of the State funds specified in the loan agreement to be so withheld may be pledged to secure special obligation bonds or other obligations of the local government unit only with the prior written consent of the State Treasurer.

The State Treasurer shall notify the Secretary of Revenue and the State Controller of the amount to be withheld from the local government unit, and the Secretary of Revenue and the State Controller shall transfer to the State Treasurer the amount so requested to be applied by the State Treasurer to the repayment of the loan.

(g) Inspection. Inspection of a project for which a loan has been made under this act may be performed by qualified personnel of the Department of Environment and Natural Resources or may be performed by qualified engineers registered in this State approved by the Department of Environment and Natural Resources. No person shall be approved to perform inspections who is an officer employed by the local government unit to which the loan was made or who is an owner, officer, employer, or agent of a contractor or subcontractor engaged in the construction of the project for which the loan was made. For the purpose of payment of inspection fees, inspection services shall be included in the term "cost" as used in this act.

(h) Rules. The State Treasurer, the Local Government Commission, and the Department of Environment and Natural Resources may adopt, modify, and repeal rules necessary for the administration of

their respective duties under this act. Uniform rules may be jointly adopted where feasible and desirable, and no rule, jointly adopted, may be modified or revoked except upon concurrence of all agencies involved.

(i) Federal Grants and Loans. In order to carry out the purposes of this act to secure the greatest possible benefits to the citizens of this State of the funds appropriated, the State Treasurer, the Local Government Commission, and the Department of Environment and Natural Resources shall adopt rules and criteria, not inconsistent with provisions of this act, as are necessary and appropriate to conform to regulations for federal grants and loans for any of the purposes set forth in this act.

(j) Report by Department of Environment and Natural Resources. The Department of Environment and Natural Resources shall prepare and file each year on or before July 31 with the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division a report for the preceding fiscal year concerning the allocation and making of loans authorized by this act. The report shall set forth for the preceding fiscal year:

(1) Itemized and total allocations of loans authorized and unallocated funds for the loan program as of the end of the preceding fiscal year;

(2) Identification of each loan agreement entered into by the State during the preceding fiscal year and the total amount of loans authorized by such loan agreements;

(3) The amount disbursed to each local government unit pursuant to such loan agreements during the preceding fiscal year and the total amount of such disbursements;

(4) The loan repayments made by each local government unit pursuant to such loan agreements and the total amount of such loan repayments during the preceding fiscal year; and

(5) A summary for the five preceding years of the information required by subdivisions (1) through (4) of this subsection.

The report shall be signed by the Secretary of Environment and Natural Resources.

(k) Local Government Commission.

(1) Local government units may execute debt instruments payable to the State in order to obtain loans provided for in this act. Local government units shall pledge or agree to apply as security for such obligations:

a. Any available source of revenues of the local government unit, including revenues from benefitted facilities or systems, provided that (i) the local government unit has not otherwise pledged the revenues as security for, or contractually agreed to apply the revenues to, the payment of any other obligations of the local government unit, (ii) the

use of the revenues is not otherwise restricted by law, or (iii) the revenues are not derived from the exercise of the local government unit's taxing power; or

b. Their faith and credit; or

c. Any combination of a. or b. above.

The faith and credit of a local government unit shall not be pledged or be deemed to have been pledged unless the requirements of Article 4 of Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this act.

(2) Nothing contained in this act shall prohibit any local government unit from applying any funds of the local government unit not otherwise restricted as to use by law to the payment of any debt instrument payable to the State incurred pursuant to the provisions of this act.

(3) The Local Government Commission shall review and approve proposed loans to local government units under this act under the provisions of Articles 4 and 5 of Chapter 159 of the General Statutes. The Local Government Commission in considering the ability of a local government unit to repay a loan may regard as a source of revenue for repayment of a loan revenue sources that may not be available other than on an annual discretionary basis and that may not be subject to a pledge or agreement to apply. Loans under this act shall be outstanding debts for the purposes of Article 10 of Chapter 159 of the General Statutes.

(4) The State Treasurer shall annually certify to the General Assembly the financial condition of the loan program and identify existing delinquencies.

Section 11. Reports on Grants.

(a) The Rural Economic Development Center shall prepare and file each year on or before July 31 with the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division a report for the preceding fiscal year concerning the allocation and making of grants authorized by this act. The report shall be signed by the Chair of the Board of Directors of the Rural Economic Development Center. The report shall set forth for the preceding fiscal year:

(1) Itemized and total allocations of grants authorized and unallocated funds for the grant program as of the end of the preceding fiscal year;

(2) Identification of each grant agreement entered into by the Rural Economic Development Center during the preceding

fiscal year and the total amount of grants authorized by the grant agreements;

(3) The amount disbursed to each local government unit pursuant to the grant agreements during the preceding fiscal year and the total amount of the disbursements; and

(4) A summary for the five preceding years of the information required by subdivisions (1) through (3) of this subsection.

(b) The Department of Environment and Natural Resources shall prepare and file each year on or before July 31 with the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division a report for the preceding fiscal year concerning the allocation and making of grants authorized by this act. The report shall be signed by the Secretary of Environment and Natural Resources. The report shall set forth for the preceding fiscal year:

(1) Itemized and total allocations of grants authorized and unallocated funds for the grant program as of the end of the preceding fiscal year;

(2) Identification of each grant agreement entered into by the Department of Environment and Natural Resources during the preceding fiscal year and the total amount of grants authorized by the grant agreements;

(3) The amount disbursed to each local government unit pursuant to the grant agreements during the preceding fiscal year and the total amount of the disbursements; and

(4) A summary for the five preceding years of the information required by subdivisions (1) through (3) of this subsection.

(c) The Department of Commerce shall prepare and file each year on or before July 31 with the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division a report for the preceding fiscal year concerning the allocation and making of grants authorized by this act. The report shall be signed by the Secretary of Commerce. The report shall set forth for the preceding fiscal year:

(1) Itemized and total allocations of grants authorized and unallocated funds for the grant program as of the end of the preceding fiscal year;

(2) Identification of each grant agreement entered into by the Department of Commerce during the preceding fiscal year and the total amount of grants authorized by the grant agreements;

(3) The amount disbursed to each local government unit pursuant to the grant agreements during the preceding fiscal year and the total amount of the disbursements; and

(4) A summary for the five preceding years of the information required by subdivisions (1) through (3) of this subsection.

Section 12. Minority business participation. The goals set by G.S.

143-128 for participation in projects by minority businesses apply to projects funded by the proceeds of bonds or notes issued under this act. The Department of Environment and Natural Resources, the Department of Commerce, and the Rural Economic Development Center shall monitor compliance with this requirement and shall report to the General Assembly by January 1 of each year on the participation by minority businesses in these projects.

Section 13. Interpretation of act.

(a) Additional Method. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

(b) Statutory References. References in this act to specific sections or Chapters of the General Statutes or to specific acts are intended to be references to these sections, Chapters, or acts as they may be amended from time to time by the General Assembly.

(c) Broad Construction. This act, being necessary for the health and welfare of the people of the State, shall be broadly construed to effect the purposes thereof.

(d) Inconsistent Provisions. Insofar as the provisions of this act are inconsistent with the provisions of any general laws, or parts thereof, the provisions of this act shall be controlling.

(e) Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 14. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 72.

"State Infrastructure Council.

"**§ 143-690. Council established; purpose; members; terms of office; quorum; compensation; termination.**

(a) Establishment. -- There is established the State Infrastructure Council. The Council shall be located within the Department of Environment and Natural Resources for organizational, budgetary, and administrative purposes.

(b) Purpose. -- The purpose of the Council is to develop a State strategic plan that addresses North Carolina's water supply and distribution and wastewater treatment needs.

(c) Membership. -- The Council shall consist of 19 members, five of whom are ex officio and 14 of whom are appointed as follows:

(1) Four persons appointed by the Governor.

(2) Five persons appointed by the President Pro Tempore of the Senate, at least one of whom must be a member of the Senate.

(3) Five persons appointed by the Speaker of the House of Representatives, at least one of whom must be a member of the House of Representatives.

(4) The following persons or their designees, ex officio:

a. The Secretary of Commerce.

b. The Secretary of Environment and Natural Resources.

c. The State Treasurer.

d. The Executive Director of the League of Municipalities.

e. The Executive Director of the North Carolina Association of County Commissioners.

The members appointed to the State Infrastructure Council shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Council, including individuals who have demonstrated expertise in the fields of environmental science, particularly the areas of wastewater treatment and water supply and distribution, public planning, public financing, public health, and economic development.

(d) Terms. -- Members shall serve for two-year terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint two members for terms of two years and two members for terms of three years.

(2) The President Pro Tempore of the Senate shall initially appoint two members for terms of two years and three members for terms of three years.

(3) The Speaker of the House of Representatives shall initially appoint two members for terms of two years and three members for terms of three years.

Initial terms shall begin on January 1, 1999.

(e) Chair. -- The chair shall be appointed biennially by the Governor from among the membership of the Council. The initial term shall begin on January 1, 1999.

(f) Vacancies. -- A vacancy in the Council or as chair of the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made and the term shall be for the balance of the unexpired term.

(g) Compensation. -- The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

(h) Removal. -- Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(i) Meetings. -- The chair shall convene the Council. Meetings shall be held as often as necessary, but not fewer than four times a year.

(j) Quorum. -- A majority of the members of the Council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Council shall be necessary for action to be taken by the Council.

"**§ 143-691. Duties of the Council.**

Duties. -- The Council shall have the following duties:

(1) To plan and develop a State strategic plan that addresses North Carolina's water supply and distribution and wastewater treatment needs.

(2) To evaluate the State's natural resource base and existing water and sewer systems and to project statewide future needs for water and sewer systems.

(3) To analyze current and proposed statutes, rules, and programs that address or affect State water and sewer needs.

(4) To analyze the roles of State and local government and other parties in addressing water and sewer needs and to recommend the appropriate roles for each with regard to addressing future water and sewer needs.

(5) To anticipate the impact of infrastructure development on natural resources and to make recommendations on how to minimize the inpact.

"**§ 143-692. Staff and offices.**

The Department of Environment and Natural Resources shall provide office space and staff for the State Infrastructure Council as requested by the Council.

"**§ 143-693. Council reports.**

The Council shall report to the Joint Legislative Commission on Governmental Operations, with a written report to the Fiscal Research Division, by October 1, 1999, and annually thereafter, regarding the implementation of this Article. In its report the Council shall include any recommendations regarding statewide water and sewer needs that require review or action by the General Assembly."

Section 15. G.S. 159G-6 reads as rewritten:

"**§ 159G-6. Distribution of funds.**

(a) Revolving loans and grants.

(1) All funds appropriated or accruing to the Clean Water Revolving Loan and Grant Fund, other than funds set aside for administrative expenses, shall be used for revolving loans and grants to local government units for construction costs of wastewater treatment works, wastewater collection systems and water supply systems and other assistance as

provided in this Chapter.

(2) The maximum principal amount of a revolving loan or a grant may be one hundred percent (100%) of the nonfederal share of the construction costs of any eligible project. The maximum principal amount of revolving loans made to any one local government unit during any fiscal year shall be ~~three~~ eight million dollars ~~($3,000,000).~~ ($8,000,000). The maximum principal amount of grants made to any one local government unit during any fiscal year shall be ~~one~~ three million dollars ~~($1,000,000).~~ ($3,000,000).

(3) The State Treasurer shall be responsible for investing and distributing all funds appropriated or accruing to the Clean Water Revolving Loan and Grant Fund for revolving loans and grants under this Chapter. In fulfilling his or her responsibilities under this section, the State Treasurer shall make a written request to the Department of Environment and Natural Resources to arrange for the appropriated funds to be (i) transferred from the appropriate accounts to a local government unit to provide funds for one or more revolving loans or grants or (ii) invested as authorized by this Chapter with the interest on and the principal of such investments to be transferred to the local government unit to provide funds for one or more revolving loans or grants.

(b) Wastewater Accounts. -- The sums allocated in G.S. 159G-4 and accruing to the various Wastewater Accounts in each fiscal year shall be used to make revolving loans and grants to local government units as provided below. The Department of Environment and Natural Resources shall disburse no funds from the Wastewater Accounts except upon receipt of written approval of the disbursement from the Environmental Management Commission.

(1) General Wastewater Revolving Loan and Grant Account. -- The funds in the General Wastewater Revolving Loan and Grant Account shall be used exclusively for the purpose of providing for revolving construction loans or grants in connection with approved wastewater treatment work or wastewater collection system projects.

(2) High-Unit Cost Wastewater Account. -- The funds in the High-Unit Cost Wastewater Account shall be available for grants to applicants for high-unit cost wastewater projects. Eligibility of an applicant for such a grant shall be determined by comparing estimated average household user fees for water and sewer service, for debt service and operation and maintenance costs, to one and one- half percent (1.5%) of the median household income in the ~~county~~ local government unit in which the project is located.

The projects which would require estimated average household water and sewer user fees greater than one and one-half percent (1.5%) of the median household income are defined as high-unit cost wastewater projects and will be eligible for a grant equal to the excess cost, subject to the limitations in ~~subsection~~ subdivision (a)(2) of this section.

(3) Emergency Wastewater Revolving Loan Account. -- The funds in the Emergency Wastewater Revolving Loan Account shall be available for revolving emergency loans to applicants in the event the Environmental Management Commission certifies that a serious public health hazard, related to the inadequacy of existing wastewater facilities, is present or imminent in a community.

(c) Water Supply Accounts. -- The sums allocated in G.S. 159G- 4 and accruing to the various Water Supply Accounts in each fiscal year shall be used to provide revolving loans and grants to local government units as provided below. The Department of Environment and Natural Resources shall disburse no funds from the Water Supply Accounts except upon receipt of written approval of the disbursement from the Division of Environmental Health.

(1) General Water Supply Revolving Loan and Grant Account. -- The funds in the General Water Supply Revolving Loan and Grant Account shall be used exclusively for the purpose of providing for revolving construction loans and grants in connection with water supply systems generally and not upon a county allotment basis.

(2) High-Unit Cost Water Supply Account. -- The funds in the High-Unit Cost Water Supply Account shall be available for grants to applicants for high-unit cost water supply systems, on the same basis as provided in G.S. 159G-6(b)(2) for high-unit cost wastewater projects.

(3) Emergency Water Supply Revolving Loan Account. -- The funds in the Emergency Water Supply Revolving Loan Account shall be available for revolving emergency loans to applicants in the event the Division of Environmental Health certifies that a serious public health hazard, related to the water supply system, is present or imminent in a community.

(d) Repealed by Session Laws 1991, c. 186, s. 4.

(e) Notwithstanding any other provision of this Chapter, funds in the Water Pollution Control Revolving Fund shall not be available as grants except to the extent permitted by Title VI of the Federal Water Quality Act of 1987 and the regulations thereunder."

Section 16. The General Assembly finds that:

(1) The General Assembly has previously found that it is the

policy of this State to facilitate the extension of natural gas facilities to unserved areas of the State; and

(2) The extension of natural gas facilities to unserved areas of the State is necessary for the health of the people and of the environment; and

(3) The extension of natural gas facilities to unserved areas of the State will aid and encourage the location of manufacturing enterprises and industrial facilities in those areas of the State, will encourage new construction, homes, and other businesses in those areas of the State, will increase the population, taxable property, agricultural industries, and business prospects in the State; and

(4) The 1989 General Assembly in Chapter 338 of the 1989 Session Laws directed the North Carolina Utilities Commission to require the franchised natural gas local distribution companies to file reports with the Commission detailing their plans for providing natural gas service in areas of the State where natural gas service is not available, and directed the Commission and the Public Staff to provide independent analyses and summaries of those reports together with status reports of natural gas service in the State to the Joint Legislative Utility Review Committee; and

(5) The reports of the utilities, the Commission, and the Public Staff indicate that the construction of facilities and the extension of natural gas service in some areas of the State may not be economically feasible with traditional funding methods; and

(6) The 1991 General Assembly enacted G.S. 62-158 and G.S. 62-2(9) authorizing special funding methods, including the use of supplier refunds and customer surcharges, to facilitate the expansion of natural gas service; and

(7) While the 1991 legislation has been successful in providing some natural gas service to previously unserved areas of the State, that legislation has not been sufficient to facilitate the extension of service that is necessary and in the public interest, and there are still counties with no gas service or virtually no gas service; and

(8) It is therefore necessary to authorize additional funding methods, including appropriations from the General Assembly and the proceeds of general obligation bonds, to further facilitate the expansion of natural gas service.

Section 17. Chapter 62 of the General Statutes is amended by adding a new section to read:

"**§ 62-159. Additional funding for natural gas expansion.**

(a) In order to facilitate the construction of facilities in and the

extension of natural gas service to unserved areas, the Commission may provide funding through appropriations from the General Assembly or the proceeds of general obligation bonds as provided in this section to either (i) an existing natural gas local distribution company or (ii) a person or a gas district awarded a new franchise for the construction of natural gas facilities that it otherwise would not be economically feasible for the company, person, or gas district to construct.

(b) The use of funds provided under this section shall be pursuant to an order of the Commission after a public hearing. The Commission shall ensure that all projects for which funds are provided under this section are consistent with the intent of this section and G.S. 62-2(9). In determining whether to approve the use of funds for a particular project pursuant to this section, the Commission shall consider the scope of a proposed project, including the number of unserved counties and the number of anticipated customers that would be served, the total cost of the project, the extent to which the project is considered feasible, and other relevant factors affecting the public interest. In determining economic feasibility, the Commission shall employ the net present value method of analysis on a project specific basis. Only those projects with a negative net present value shall be determined to be economically infeasible for the company, person, or gas district to construct. In no event shall the Commission provide funding under this section of an amount greater than the negative net present value of any proposed project as determined by the Commission. If at any time a project is determined by the Commission to have become economically feasible, the Commission shall require the recipient of funding to remit to the Commission appropriate funds related to the project, and the Commission may order those funds to be returned with interest in a reasonable amount to be determined by the Commission. Funds returned, together with interest, shall be deposited with the State Treasurer to be used for other expansion projects pursuant to the provisions of this section. Utility plant acquired with expansion funds shall be included in the local distribution company's rate base at zero cost except to the extent such funds have been remitted by the company pursuant to order of the Commission. In the event a gas district wishes to sell or otherwise dispose of facilities financed with funds received under this section, it must first notify the Commission which shall determine the method of repayment or accounting for those funds.

(c) To the extent that one or more of the counties included in a proposed project to be funded pursuant to this section are counties affected by the loss of exclusive franchise rights provided for in G.S. 62-36A(b), the Commission may conclude that the public interest requires that the person obtaining the franchise or funding pursuant to this section be given an exclusive franchise and that the existing franchise be canceled. Any new exclusive franchise granted under this subsection shall be subject to the provisions of G.S. 62-36A(b). This subsection does not apply to gas

districts formed under Article 28 of Chapter 160A of the General Statutes.

(d) The Commission, after hearing, shall adopt rules to implement this section as soon as practicable. The Commission and Public Staff shall report to the Joint Legislative Utility Review Committee on the use of funding provided under this section in conjunction with the reports required under G.S. 62- 36A."

Section 18. G.S. 62-2 reads as rewritten:

"**§ 62-2. Declaration of policy.**

(a) Upon investigation, it has been determined that the rates, services and operations of public utilities as defined herein, are affected with the public interest and that the availability of an adequate and reliable supply of electric power and natural gas to the people, economy and government of North Carolina is a matter of public policy. It is hereby declared to be the policy of the State of North Carolina:

(1) To provide fair regulation of public utilities in the interest of the public;

(2) To promote the inherent advantage of regulated public utilities;

(3) To promote adequate, reliable and economical utility service to all of the citizens and residents of the State;

(3a) To assure that resources necessary to meet future growth through the provision of adequate, reliable utility service include use of the entire spectrum of demand-side options, including but not limited to conservation, load management and efficiency programs, as additional sources of energy supply and/or energy demand reductions. To that end, to require energy planning and fixing of rates in a manner to result in the least cost mix of generation and demand-reduction measures which is achievable, including consideration of appropriate rewards to utilities for efficiency and conservation which decrease utility bills;

(4) To provide just and reasonable rates and charges for public utility services without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices and consistent with long-term management and conservation of energy resources by avoiding wasteful, uneconomic and inefficient uses of energy;

(4a) To assure that facilities necessary to meet future growth can be financed by the utilities operating in this State on terms which are reasonable and fair to both the customers and existing investors of such utilities; and to that end to authorize fixing of rates in such a manner as to result in lower costs of new facilities and lower rates over the operating lives of such new facilities by making provisions

in the rate-making process for the investment of public utilities in plants under construction;

(5) To encourage and promote harmony between public utilities, their users and the environment;

(6) To foster the continued service of public utilities on a well-planned and coordinated basis that is consistent with the level of energy needed for the protection of public health and safety and for the promotion of the general welfare as expressed in the State energy policy;

(7) To seek to adjust the rate of growth of regulated energy supply facilities serving the State to the policy requirements of statewide development;

(8) To cooperate with other states and with the federal government in promoting and coordinating interstate and intrastate public utility service and reliability of public utility energy supply; and

(9) To facilitate the construction of facilities in and the extension of natural gas service to unserved areas in order to promote the public welfare throughout the State and to that end to authorize the creation of ~~an~~ expansion ~~fund~~ funds for ~~each~~ natural gas local distribution ~~company~~ companies or gas districts to be administered under the supervision of the North Carolina Utilities Commission.

(b) To these ends, therefore, authority shall be vested in the North Carolina Utilities Commission to regulate public utilities generally, their rates, services and operations, and their expansion in relation to long-term energy conservation and management policies and statewide development requirements, and in the manner and in accordance with the policies set forth in this Chapter. Nothing in this Chapter shall be construed to imply any extension of Utilities Commission regulatory jurisdiction over any industry or enterprise that is not subject to the regulatory jurisdiction of said Commission.

Because of technological changes in the equipment and facilities now available and needed to provide telephone and telecommunications services, changes in regulatory policies by the federal government, and changes resulting from the court- ordered divestiture of the American Telephone and Telegraph Company, competitive offerings of certain types of telephone and telecommunications services may be in the public interest. Consequently, authority shall be vested in the North Carolina Utilities Commission to allow competitive offerings of local exchange, exchange access, and long distance services by public utilities defined in G.S. 62-3(23)a.6. and certified in accordance with the provisions of G.S. 62-110, and the Commission is further authorized after notice to affected parties and hearing to deregulate or to exempt from regulation under any or all provisions of this Chapter: (i) a service provided by any public utility as

defined in G.S. 62-3(23)a.6. upon a finding that such service is competitive and that such deregulation or exemption from regulation is in the public interest; or (ii) a public utility as defined in G.S. 62-3(23)a.6., or a portion of the business of such public utility, upon a finding that the service or business of such public utility is competitive and that such deregulation or exemption from regulation is in the public interest.

The policy and authority stated in this section shall be applicable to common carriers of passengers by motor vehicle and their regulation by the North Carolina Utilities Commission only to the extent that they are consistent with the provisions of the Bus Regulatory Reform Act of 1985.

The North Carolina Utilities Commission may develop regulatory policies to govern the provision of telecommunications services to the public which promote efficiency, technological innovation, economic growth, and permit telecommunications utilities a reasonable opportunity to compete in an emerging competitive environment, giving due regard to consumers, stockholders, and maintenance of reasonably affordable local exchange service and long distance service."

Section 19. Effective date. Sections 14 and 15 of this act become effective only if the voters approve the issuance of the Clean Water Bonds authorized by this act in the election required by Section 7 of this act. The remaining sections of this act are effective when the act becomes law, and the Utilities Commission shall begin immediately the rule-making process mandated by G.S. 62-159(d), as enacted by Section 17 of this act.

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 993

PCCS1910, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-65-130(3) reads as rewritten:

"(3) The charter of any corporation subject to the provisions of this Article and Article 66 of this Chapter may be amended to convert that corporation, so amending its charter, into ~~either~~ a ~~mutual nonstock or~~ stock accident and health insurance company or stock life insurance company subject to the provisions of Articles 1 through 64 of this Chapter provided the contractual rights of the subscribers ~~or~~ and certificate holders ~~in the reserves and capital of such~~ of the corporation are adequately ~~protected under rules and regulations adopted by the Commissioner of Insurance.~~ protected. The proposed amendment shall be considered

pursuant to G.S. 58-65-131, 58-65-132, and 58-65-133. Other provisions of this section and this Article relating to the procedure for amending the charter shall not apply."

Section 2. Article 65 of Chapter 58 of the General Statutes is amended by adding the following new sections to read:

"**§ 58-65-131. Findings; definitions; conversion plan.**

(a) Intent and Findings. -- It is the intent of the General Assembly by the enactment of this section, G.S. 58-65-132, and G.S. 58-65-133 to create a procedure for a medical, hospital, or dental service corporation to convert to a stock accident and health insurance company or stock life insurance company that is subject to the applicable provisions of Articles 1 through 64 of this Chapter. Except as provided herein, it is not the intent of the General Assembly to supplant, modify, or repeal other provisions of this Article and Article 66 of this Chapter or the provisions of Chapter 55A of the General Statutes (the Nonprofit Corporation Act) that govern other transactions and the procedures relating to such transactions that apply to corporations governed by the provisions of this Article and Article 66 of this Chapter.

The General Assembly recognizes the substantial and recent changes in market and health care conditions that are affecting these corporations and the benefit of equal regulatory treatment and competitive equality for health care insurers. The General Assembly finds that a procedure for conversion is in the best interest of policyholders because it will provide greater financial stability for these corporations and a greater opportunity for the corporations to remain financially independent. The General Assembly also finds that if a medical, hospital, or dental service corporation converts to a stock accident and health insurance company or stock life insurance company, the conversion plan must provide a benefit to the people of North Carolina equal to one hundred percent (100%) of the fair market value of the corporation.

(b) Definitions. -- As used in this section, G.S. 58-65-132, and G.S. 58-65-133:

(1) "Certificate holder" includes an enrollee, as defined in Article 67 of this Chapter, in a health maintenance plan provided by the corporation or a subsidiary or by the new corporation or a subsidiary.

(2) "Code" means Title 26 of the United States Code, the United States Internal Revenue Code of 1986, as amended.

(3) "Conversion" means the conversion of a hospital, medical, or dental service corporation to a stock accident and health insurance company or stock life insurance company subject to the applicable provisions of Articles 1 through 64 of this Chapter.

(4) "Corporation" means a hospital, medical, or dental service corporation governed by this Article that files or is required to file a plan of conversion with the Commissioner under subsection (d) of this section to

convert from a hospital, medical, or dental service corporation to a stock accident and health insurance company or stock life insurance company.

(5) "Foundation" means a newly formed tax-exempt charitable social welfare organization formed and operating under section 501(c)(4) of the Code and Chapter 55A of the General Statutes.

(6) "New corporation" means a corporation originally governed by this Article that has had its plan of conversion approved by the Commissioner under G.S. 58-65-132 and that has converted to a stock accident and health insurance company or stock life insurance company.

(c) Compliance Required in Certain Events. -- A corporation governed by this Article shall comply with the provisions of this section, G.S. 58-65-132, and G.S. 58-65-133 before it may do any of the following:

(1) Sell, lease, convey, exchange, transfer, or make other disposition, either directly or indirectly in a single transaction or related series of transactions, of ten percent (10%) of the corporation's assets, as determined by statutory accounting principles, to, or merge or consolidate or liquidate with or into, any business corporation or other business entity, except a business corporation or other business entity that is a wholly owned subsidiary of the corporation. The ten percent (10%) asset limitation in this subdivision does not apply to:

a. The purchase, acquisition by assignment or otherwise by the corporation of individual accident and health policies or contracts insuring North Carolina residents, or with respect to accident and health group master policies or contracts, only the percentage portion of those policies or contracts covering North Carolina resident certificate holders, and that are issued by a company domiciled or licensed to do business in North Carolina, if the purchase is first approved by the Commissioner after notice to the Attorney General, no profit will inure to the benefit of any officer, director, or employee of the corporation or its subsidiaries, the purchase is transacted at arm's length and for fair value, and the purchase will further the corporation's ability to fulfill its purposes;

b. In the case of a purchase by the corporation of all the common stock of a company domiciled or licensed to do business in North Carolina, that

portion of the value of the company which is determined by the Commissioner to be attributable to individual accident and health policies or contracts insuring North Carolina residents or, in the case of accident and health group master policies or contracts, the percentage portion of those policies or contracts covering North Carolina resident certificate holders, if the purchase is first approved by the Commissioner after notice to the Attorney General, no profit will inure to the benefit of any officer, director, or employee of the corporation or its subsidiaries, the purchase is transacted at arm's length and for fair value, and the purchase will further the corporation's ability to fulfill its purposes;

c. Granting encumbrances such as security interests or deeds of trust with respect to assets owned by the corporation or any wholly owned subsidiary to secure indebtedness for borrowed money, the proceeds of which are paid solely to the corporation or its wholly owned subsidiaries and remain subject to the provisions of this section; and

d. Sales or other transfers in the ordinary course of business for fair value of any interest in real property or stocks, bonds, or other securities within the investment portfolio owned by the corporation or any wholly owned subsidiary, the proceeds of which are paid solely to the corporation or any wholly owned subsidiary and remain subject to the provisions of this section.

(2) Directly or indirectly issue, sell, convey, exchange, transfer, or make other disposition to any party of any equity or ownership interest in the corporation or in any business entity that is owned by or is a subsidiary of the corporation, including stock, securities, or bonds, debentures, notes or any other debt or similar obligation that is convertible into any equity or ownership interest, stock or securities. This subdivision shall not be construed to prohibit the corporation or a wholly owned subsidiary, with the approval of the Commissioner after notice to the Attorney General, from investing in joint ventures or partnerships with unrelated third parties, if no profit will inure to the benefit of any officer, director, or employee of the corporation or its subsidiaries, the transaction is conducted at arm's length and for fair value, and the

transaction furthers the corporation's ability to fulfill its purposes.

(3) Permit its aggregate annual revenues, determined in accordance with statutory accounting principles, from all for-profit activities or operations, including but not limited to those of the corporation, any wholly owned subsidiaries, and any joint ventures or partnerships, to exceed forty percent (40%) of the aggregate annual revenues, excluding investment income, of the corporation and its subsidiaries and determined in accordance with statutory accounting principles; or

(4) Permit its aggregate assets for four consecutive quarters, determined in accordance with statutory accounting principles, employed in all for-profit activities or operations, including, but not limited to, those assets owned or controlled by any for-profit wholly owned subsidiaries, to exceed forty percent (40%) of the aggregate admitted assets of the corporation and its subsidiaries for four consecutive quarters, determined in accordance with statutory accounting principles.

In determining whether the corporation must comply with the provisions of this section, G.S. 58-65-132, and G.S. 58-65-133, the Commissioner may review and consolidate actions of the corporation, its subsidiaries, and other legal entities in which the corporation directly or indirectly owns an interest, and treat the consolidated actions as requiring a conversion. An appeal of the Commissioner's order that consolidated actions require a conversion shall lie directly to the North Carolina Court of Appeals, provided that any party may petition the North Carolina Supreme Court, pursuant to G.S. 7A-31(b), to certify the case for discretionary review by the Supreme Court prior to determination by the Court of Appeals. Appeals under this subsection must be filed within 30 days of the Commissioner's order and shall be considered in the most expeditious manner practical. The corporation must file a plan of conversion within 12 months of the later of the issuance of the Commissioner's order or a final decision on appeal.

(d) Charter Amendment for Conversion. -- A corporation may propose to amend its charter pursuant to this Article to convert the corporation to a stock accident and health insurance company or stock life insurance company subject to the applicable provisions of Articles 1 through 64 of this Chapter. The proposed amended charter and a plan for conversion as described in subsection (e) of this section shall be filed with the Commissioner for approval.

(e) Filing Conversion Plan; Costs of Review. -- A corporation shall file a plan for conversion with the Commissioner and submit a copy to the Attorney General at least 120 days before the proposed date of conversion. The corporation or the new corporation shall reimburse the Department of

Insurance and the office of the Attorney General for the actual costs of reviewing, analyzing, and processing the plan. The Commissioner and the Attorney General may contract with experts, consultants, or other professional advisors to assist in reviewing the plan. These contracts are personal professional service contracts exempt from Articles 3 and 3C of Chapter 143 of the General Statutes. Contract costs for these personal professional services shall not exceed an amount that is reasonable and appropriate for the review of the plan.

(f) Plan Requirements. -- A plan of conversion submitted to the Commissioner shall state with specificity the following terms and conditions of the proposed conversion:

(1) The purposes of the conversion.

(2) The proposed articles of incorporation of the new corporation.

(3) The proposed bylaws of the new corporation.

(4) A description of any changes in the new corporation's mode of operations after conversion.

(5) A statement describing the manner in which the plan provides for the protection of all existing contractual rights of the corporation's subscribers and certificate holders to medical or hospital services or the payment of claims for reimbursement for those services. The corporation's subscribers and certificate holders shall have no right to receive any assets, surplus, capital, payment or distribution or to receive any stock or other ownership interest in the new corporation in connection with the conversion.

(6) A statement that the legal existence of the corporation does not terminate and that the new corporation is subject to all liabilities, obligations, and relations of whatever kind of the corporation and succeeds to all property, assets, rights, interests, and relations of the corporation.

(7) Documentation showing that the corporation, acting by its board of directors, trustees, or other governing authority, has approved the plan. It shall not be necessary for the subscribers or certificate holders of the corporation to vote on or approve the plan of conversion, any amendments to the corporation's articles of incorporation or bylaws, or the articles of incorporation or the bylaws of the new corporation, notwithstanding any provision to the contrary in this Article or Article 66 of this Chapter or in the articles of incorporation or bylaws of the corporation.

(8) The business plan of the new corporation, including, but not limited to, a comparative premium rate analysis of the new corporation's major plans and product offerings, that, among other things, compares actual premium rates for the three-year period before the filing of the plan for conversion and

forecasted premium rates for a three-year period following the proposed conversion. This rate analysis shall address the forecasted effect, if any, of the proposed conversion on the cost to policyholders or certificate holders of the new corporation and on the new corporation's underwriting profit, investment income, and loss and claim reserves, including the effect, if any, of adverse market or risk selection upon these reserves. Information provided under this subsection is confidential pursuant to G.S. 58-19-40.

(9) Any conditions, other than approval of the plan of conversion by the Commissioner, to be fulfilled by a proposed date upon which the conversion would become effective.

(10) The proposed articles of incorporation and bylaws of the Foundation, containing the provisions required by G.S. 58-65-133(h).

(11) Any proposed agreement between the Foundation and the new corporation, including, but not limited to, any agreement relating to the voting or registration for sale of any capital stock to be issued by the new corporation to the Foundation.

(g) Public Comment. -- Within 20 days of receiving a plan to convert, the Commissioner shall publish a notice in one or more newspapers of general circulation in the corporation's service area describing the name of the corporation, the nature of the plan filed under G.S. 58-65-131(d), and the date of receipt of the plan. The notice shall indicate that the Commissioner will solicit public comments and hold three public hearings on the plan. The public hearings must be completed within 60 days of the filing of the conversion plan. The written public comment period will be held open until 10 days after the last public hearing. For good cause the Commissioner may extend these deadlines once for a maximum of 30 days. The Commissioner shall provide copies of all written public comments to the Attorney General.

(h) Public Access to Records. -- All applications, reports, plans, or other documents under this section, G.S. 58-65-132, and G.S. 58-65-133 are public records unless otherwise provided in this Chapter. The Commissioner shall provide the public with prompt and reasonable access to public records relating to the proposed conversion of the corporation. Access to public records covered by this section shall be made available for at least 30 days before the end of the public comment period.

"§ 58-65-132. Review and approval of conversion plan; new corporation.

(a) Approval of Plan of Conversion.-- The Commissioner shall approve the plan of conversion and issue a certificate of authority to the new

corporation to transact business in this State only if the Commissioner finds all of the following:

(1) The plan of conversion meets the requirements of G.S. 58-65-131, this section, and G.S. 58-65-133.

(2) Upon conversion, the new corporation will meet the applicable standards and conditions under this Chapter, including applicable minimum capital and surplus requirements.

(3) The plan of conversion adequately protects the existing contractual rights of the corporation's subscribers and certificate holders to medical or hospital services and payment of claims for reimbursement for those services.

(4) No director, officer, or employee of the corporation will receive:

a. Any fee, commission, compensation, or other valuable consideration for aiding, promoting, or assisting in the conversion of the corporation other than compensation paid to any director, officer, or employee of the corporation in the ordinary course of business; or

b. Any distribution of the assets, surplus, capital, or capital stock of the new corporation as part of a conversion.

(5) The corporation has complied with all material requirements of this Chapter, and disciplinary action is not pending against the corporation.

(6) The plan of conversion is fair and equitable and not prejudicial to the contractual rights of the policyholders and certificate holders of the new corporation.

(7) The plan of conversion is in the public interest. The Commissioner shall find that the plan is in the public interest only if it provides a benefit for the people of North Carolina equal to the value of the corporation at the time of conversion, in accordance with the criteria set out in this subdivision. In determining whether the plan of conversion is in the public interest, the Commissioner may also consider other factors, including, but not limited to, those relating to the accessibility and affordability of health care. The Commissioner must determine that the plan of conversion meets all of the following criteria:

a. Consideration, determined by the Commissioner to be equal to one hundred percent (100%) of the fair market value of the corporation, will be conveyed or issued by the corporation to the Foundation at the time the new corporation files its articles of incorporation. If the consideration to be conveyed is

all of the common stock of the new corporation that is then issued and outstanding at the time of conversion, and there is no other capital stock of any type or nature then outstanding, it is conclusively presumed that the Foundation will acquire the fair market value of the corporation.

b. At any time after the conversion, the new corporation may issue, in a public offering or a private placement, additional shares of common stock of the same class and having the same voting, dividend, and other rights as that transferred to the Foundation, subject to the applicable provisions of Chapter 55 of the General Statutes and any voting and registration agreements.

(8) The plan of conversion contains a proposed voting agreement and registration agreement between the Foundation and the proposed new corporation that meets the requirements of G.S. 58-65-133.

(9) The Attorney General has given approval pursuant to G.S. 58-65-133(h).

(b) New Corporation. -- After issuance of the certificate of authority as provided in subsection (a) of this section, the new corporation shall no longer be subject to this Article and Article 66 of this Chapter but shall be subject to and comply with all applicable laws and regulations applicable to domestic insurers and Chapter 55 of the General Statutes, except that Articles 9 and 9A of Chapter 55 shall not apply to the new corporation. The new corporation shall file its articles of incorporation, as amended and certified by the Commissioner, with the North Carolina Secretary of State. The legal existence of the corporation does not terminate, and the new corporation is a continuation of the corporation. The conversion shall only be a change in identity and form of organization. Except as provided in subdivision (a)(7) of this subsection, all property, assets, rights, liabilities, obligations, interests, and relations of whatever kind of the corporation shall continue and remain in the new corporation. All actions and legal proceedings to which the corporation was a party prior to conversion shall be unaffected by the conversion.

(c) Final Decision and Order; Procedures. -- The Commissioner's final decision and order regarding the plan of conversion shall include findings of fact and conclusions of law. Findings of fact shall be based upon and supported by substantial evidence, including evidence submitted with the plan by the corporation and evidence obtained at hearings held by the Commissioner. A person aggrieved by a final decision of the Commissioner approving or disapproving a conversion may petition the Superior Court of Wake County within 30 days thereafter for judicial review. An appeal from a final decision and order of the Commissioner under this section shall be

conducted pursuant to G.S. 58-2-75. Chapter 150B of the General Statutes does not apply to the procedures of G.S. 58-65-131, this section, and G.S. 58-65-133. This subsection does not apply to appeal of an order of the Commissioner issued pursuant to G.S. 58-65-131(c).

(d) Attorney General's Enforcement Authority; Legal Action on Validity of Plan of Conversion. --

(1) Nothing in this Chapter limits the power of the Attorney General to seek a declaratory judgment or to take other legal action to protect or enforce the rights of the public in the corporation.

(2) Any legal action with respect to the conversion must be filed in the Superior Court of Wake County.

"§ 58-65-133. Creation and operation of foundation.

(a) Creation. -- A Foundation shall be created to receive the fair market value of the corporation as provided in G.S. 58-65-132(a)(7) when the corporation converts.

(b) Purpose. -- The charitable purpose of the Foundation shall be to promote the health of the people of North Carolina. For a period of 10 years from the effective date of the conversion, the Foundation may not, without the consent of the Attorney General, establish or operate any entity licensed pursuant to Chapter 58 of the General Statutes that would compete with the new corporation or any of its subsidiaries.

(c) Board of Directors. -- The initial board of directors of the foundation shall consist of 11 members appointed by the Attorney General from a list of nominees recommended pursuant to subsection (d) of this section. The Attorney General shall stagger the terms of the initial appointees so that six members serve two-year terms and five members serve four-year terms. The board shall fill a vacancy in an initial term. Their successors shall be chosen by the board of directors of the Foundation in accordance with the bylaws of the Foundation and shall serve four-year terms. No member may serve more than two consecutive full terms nor more than 10 consecutive years. The Foundation may increase or decrease the size of the board in accordance with its bylaws, provided that the board shall have no fewer than nine directors and no more than 15 directors and that a decrease in size does not eliminate the then current term of any director.

(d) Advisory Committee. -- An advisory committee shall be formed to (i) develop, subject to the approval of the Attorney General, the criteria for selection of the Foundation's initial board of directors and (ii) nominate candidates for the initial board of directors. The advisory committee shall be comprised of the following 11 members: three representatives of the business community selected by North Carolina Citizens for Business and Industry, three representatives of the public and private medical school community selected by The University of North Carolina Board of Governors, three representatives of private foundations and other nonprofit organizations selected by the North Carolina Center for Nonprofits, a

representative of the North Carolina Association of Hospitals and Health Care Networks, and a representative of the North Carolina Medical Society. After receiving a copy of the proposed plan of conversion, the Attorney General shall immediately notify these organizations, and the advisory committee shall be constituted within 45 days thereafter.

The advisory committee's criteria shall ensure an open recruitment process for the directors. The advisory committee shall nominate 22 residents of North Carolina for the 11 positions to be filled by the Attorney General. The Attorney General shall retain an independent executive recruiting firm or firms to assist the advisory committee in its work.

(e) Foundation and New Corporation Independent. -- The Foundation and its directors, officers, and employees shall be and remain independent of the new corporation and its affiliates. No director, officer, or employee of the Foundation shall serve as a director, officer, or employee of the new corporation or any of its affiliates. No director, officer, or employee of the new corporation or any of its affiliates shall serve as a director, officer, or employee of the Foundation. This subsection shall no longer apply after (i) 10 years following the effective date of the conversion or (ii) the divestment by the Foundation of at least ninety-five percent (95%) of the stock of the new corporation received pursuant to G.S. 58-65-132(a)(7)a. and subsection (a) of this section, whichever occurs later.

(f) Voting and Stock Registration Agreement. -- The Foundation and the new corporation shall operate under a voting agreement and a stock registration agreement, approved by the Commissioner and the Attorney General, that provides at a minimum for the following:

(1) The Foundation will vote the common stock in the new corporation for directors of the new corporation nominated by the board of directors of the new corporation to the extent provided by the terms of the voting agreement.

(2) The voting restrictions will not apply to common stock of the new corporation sold by the Foundation.

(3) The board of directors of the new corporation will determine the timing of any initial public offering of the new corporation's common stock, either by the new corporation or by the Foundation, and the Foundation shall have demand registration rights and optional "piggy-back" or "incidental" registration rights in connection with any offerings of the new corporation's common stock by the new corporation, on the terms and conditions set forth in a stock registration agreement and agreed upon by the new corporation and the Foundation and approved by the Commissioner and the Attorney General.

(4) The voting agreement may contain additional terms, including (i) voting and ownership restrictions with regard to the common stock of the new corporation and (ii)

provisions for the voting or registration for sale of any common stock to be issued to the Foundation by the new corporation.

(g) Costs. -- The corporation shall pay the reasonable expenses of the advisory committee and executive search firm and the costs of any consultants, experts, or other professional advisors retained by the Attorney General incident to review under this section.

(h) Attorney General's Approval. -- Before the Commissioner approves a plan of conversion pursuant to G.S. 58-65-132, the Attorney General, on behalf of the public and charitable interests in this State, must approve the determination relating to the fair market value of the corporation under G.S. 58-65-132(a)(7), the articles of incorporation and bylaws of the foundation, and all proposed agreements between the new corporation and the Foundation, including stock voting or registration agreements. The Attorney General may seek advice on these matters from consultants, investment bankers, and other professional advisors engaged by the Commissioner or Attorney General incident to review of the plan. The proposed articles of incorporation of the Foundation shall provide for all of the following:

(1) State that the Foundation is organized and operated exclusively for charitable purposes and for the promotion of social welfare.

(2) State that no part of the net earnings of the Foundation shall inure to the benefit of any private shareholder or individual.

(3) State that the Foundation shall not engage in any political campaign activity or the making of political contributions.

(4) Prohibit the Foundation from paying or incurring any amount that, if paid by an organization classified as a "private foundation" under section 509(a) of the Code, would constitute a "taxable expenditure" as defined by sections 4945(d)(1) and (2) of the Code.

(5) Prohibit the Foundation from engaging in any self-dealing for the benefit of its directors, officers, or employees.

(6) Provide for an ongoing community advisory committee to offer broad public input to the Foundation concerning its operations and activities.

(7) Provide that the Foundation, after its first three years of operation, will pay out the lesser of (i) "qualifying distributions" of "distributable amounts," as defined in section 4942 of the Code, as if the Foundation were classified as a private Foundation subject to the distribution requirements, but not the taxes imposed, under that section or (ii) substantially all of its income, less qualifying expenses. In no event shall the Foundation be required to invade its corpus to meet the distribution requirements under this subdivision.

(8) State that provisions in the articles of incorporation that are either required by this subdivision or designated by the Attorney General cannot be amended without the prior written approval of the Attorney General.

Within 120 days of the end of its fiscal year, the Foundation shall provide the Attorney General, the Commissioner, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate its State and federal tax returns for the preceding fiscal year. The tax returns shall be made available for public inspection."

Section 3. G.S. 58-65-160 is repealed.

Section 4. This act is effective when it becomes law.

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 1260

PCCS8861, A BILL TO BE ENTITLED AN ACT TO DEVELOP A PLAN OF REORGANIZATION FOR THE TRANSFER OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DIVISION OF JUVENILE SERVICES OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ESTABLISH THE OFFICE OF JUVENILE JUSTICE, TO AMEND AND RECODIFY THE NORTH CAROLINA JUVENILE CODE, AND TO CONFORM THE GENERAL STATUTES TO THE RECODIFICATION OF THE JUVENILE CODE, AS RECOMMENDED BY THE COMMISSION ON JUVENILE CRIME AND JUSTICE.

The General Assembly of North Carolina enacts:

PART I. THE TRANSFER OF THE DIVISION OF YOUTH SERVICES AND THE JUVENILE SERVICES DIVISION TO THE OFFICE OF THE GOVERNOR AND CONFORMING STATUTORY CHANGES

Section 1. (a) Articles 24 and 24A of Chapter 7A of the General Statutes, Article 2 of Chapter 110 of the General Statutes, and Chapter 134A of the General Statutes are repealed.

(b) Chapter 147 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 3C.

"Office of Juvenile Justice.

"Part 1. Creation of Office.

"§ 147-33.30. Creation of the Office of Juvenile Justice.

(a) There is established within the Office of the Governor the Office of Juvenile Justice ("Office"). All executive and administrative powers, duties, and functions are vested in the Office, excluding those of the

General Assembly and its agencies, the General Court of Justice, and the administrative agencies created pursuant to Article IV of the Constitution of North Carolina, and higher education previously vested by law in the several State agencies.

(b) Except as modified in this Article, the Governor has the authority, powers, and duties over the Office that are assigned to the Governor and the head of department pursuant to Article 1 of Chapter 143B of the General Statutes, G.S. 143A-6(a), and the Constitution and other laws of this State.

"§ 147-33.31. Transfer of Juvenile Services Division authority to the Office of Juvenile Justice.

(a) All (i) statutory authority, powers, duties, and functions, including rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations, reserves, support costs, and other funds of the Juvenile Services Division of the Administrative Office of the Courts are transferred to and vested in the Office of Juvenile Justice. This transfer has all of the elements of a Type I transfer, as defined in G.S. 143A-6.

(b) The Office shall be considered a continuation of the Juvenile Services Division of the Administrative Office of the Courts for the purpose of succession to all rights, powers, duties, and obligations of the Division and of those rights, powers, duties, and obligations exercised by the Administrative Office of the Courts on behalf of the Division. Where the Juvenile Services Division is referred to by law, contract, or other document, that reference shall apply to the Office. Where the Administrative Office of the Courts is referred to by contract or other document, where the Administrative Office of the Courts is acting on behalf of the Juvenile Services Division, that reference shall apply to the Office.

(c) All institutions previously operated by the Juvenile Services Division of the Administrative Office of the Courts and the present central office of the Juvenile Services Division, including land, buildings, equipment, supplies, personnel, or other properties rented or controlled by the Division or by the Administrative Office of the Courts for the Division, shall be administered by the Office of Juvenile Justice.

"§ 147-33.32. Transfer of Division of Youth Services authority to the Office of Juvenile Justice.

(a) All (i) statutory authority, powers, duties, and functions, including rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations, reserves, support costs, and other funds of the Division of Youth Services of the Department of Health and Human Services are transferred to and vested in the Office of Juvenile Justice. This transfer has all of the elements of a Type I transfer, as defined in G.S. 143A-6.

(b) The Office shall be considered a continuation of the Division of Youth Services of the Department of Health and Human Services for the purpose of succession to all rights, powers, duties, and obligations of the Division and of those rights, powers, duties, and obligations exercised by the Department on behalf of the Division. Where the Division of Youth Services is referred to by law, contract, or other document, that reference shall apply to the Office. Where the Department of Health and Human Services is referred to by contract or other document, where the Department is acting on behalf of the Division of Youth Services, that reference shall apply to the Office.

(c) All institutions previously operated by the Division of Youth Services of the Department of Health and Human Services and the present central office of the Division of Youth Services, including land, buildings, equipment, supplies, personnel, or other properties rented or controlled by the Division or by the Department for the Division, shall be administered by the Office of Juvenile Justice.

"Part 2. General Provisions.

"§ 147-33.33. Definitions.

The definitions set forth in G.S. 7A-517 apply to this Article, unless modified in this Article.

"§ 147-33.34. Duties, powers, and head of the Office of Juvenile Justice.

(a) The Governor shall be responsible for effectively and efficiently organizing the Office to promote the policy of the State as set forth in this Article and to promote public safety and prevent the commission of delinquent acts by juveniles. The duties and powers of the Office and of the Governor, as head of the Office, are to:

(1) Give leadership to the implementation as appropriate of State policy which requires that training schools be phased out as populations diminish.

(2) Close a State training school when its operation is no longer justified and to transfer State funds appropriated for the operation of any training school which is closed to fund community-based programs or to purchase care or services for predelinquents, delinquents or status offenders in community-based or other appropriate programs or to improve the efficiency of existing training schools, provided such actions are approved by the Advisory Budget Commission.

(3) Develop a sound admission or intake program to juvenile facilities, including the requirement of a careful evaluation of the needs of each juvenile prior to acceptance and placement.

(4) Operate juvenile facilities and implement programs that meet the needs of juveniles receiving services and that assist them to become productive, responsible citizens.

(5) Adopt rules and regulations to implement the provisions of this Article and the responsibilities of the Office under Subchapter XI of Chapter 7A of the General Statutes. The Governor may adopt rules applicable to local human services agencies providing juvenile court and delinquency prevention services for the purpose of program evaluation, fiscal audits, and collection of third-party payments.

(6) Ensure a statewide and uniform system of juvenile intake, protective supervision, probation and aftercare services in all district court districts of the State to provide appropriate, adequate, and uniform services to all juveniles who are alleged or found to be undisciplined or delinquent.

(7) Establish procedures for substance abuse testing for juveniles adjudicated delinquent for substance abuse offenses.

(8) Plan, develop, and coordinate comprehensive multidisciplinary services and programs statewide for the prevention of juvenile delinquency, early intervention, and rehabilitation of juveniles.

(9) Develop standards and approve yearly program evaluations and make recommendations to the General Assembly concerning continuation funding based on the evaluations.

(10) Collect expense data for every program operated and contracted by the Office.

(11) Develop a formula for funding on a matching basis for juvenile court and delinquency prevention services as provided for in this Article. This formula shall be based upon the county's or counties' relative ability to fund community-based programs for juveniles.

Local governments receiving State matching funds for programs under the provisions of this Article must maintain the same overall level of effort that existed at the time of the filing of the county assessment of juvenile needs with the Office.

(12) Assist local governments and private service agencies in the development of juvenile court services and delinquency prevention services, and to provide information on the availability of potential funding sources and assistance in making application for needed funding.

(13) Assist the Criminal Justice Information Network Governing Board with administering a comprehensive juvenile justice information system to collect data and information about delinquent juveniles for the purpose of developing treatment and intervention plans and allowing reliable assessment and

evaluation of the effectiveness of rehabilitative and preventive services provided to delinquent juveniles.

(14) Coordinate State-level services in relation to delinquency prevention and juvenile court services so that any citizen may go to one place in State government to receive information about available juvenile services.

(15) Appoint the chief court counselor in each district court district upon the recommendation of the chief district court judge of that district.

(16) Develop a statewide plan for training and professional development of chief court counselors, court counselors, and other personnel responsible for the care, supervision, and treatment of juveniles, including attendance at appropriate professional meetings and opportunities for educational leave for academic study.

(17) Study issues related to qualifications, salary ranges, appointment of personnel on a merit basis, including chief court counselors, court counselors, secretaries, and other appropriate personnel, at the State and district levels in order to adopt appropriate policies and procedures governing personnel.

(18) Have all other powers of a department head in relation to juvenile services, juvenile facilities, or juvenile programs as provided by this Article, Chapter 143B of the General Statutes, or as provided by any other appropriate State law.

(b) Where Office statistics indicate the presence of minority youth in juvenile facilities disproportionate to their presence in the general population, the Office shall develop and recommend appropriate strategies designed to ensure fair and equal treatment in the juvenile justice system.

(c) The Office may provide consulting services and technical assistance to courts, law enforcement agencies, and other agencies, local governments, and public and private organizations, and may develop or assist Juvenile Crime Prevention Councils in developing community needs, assessments, and programs relating to the prevention and treatment of delinquent and undisciplined behavior.

(d) The Office shall develop a cost-benefit model and apply the model to each State-funded program. Program commitment and recidivism rates shall be components of the model. In developing the model, the Office shall consider the recommendations of the State Advisory Council on Juvenile Justice and Delinquency Prevention.

"**§ 147-33.35. Authority to contract with other entities.**

(a) The Office may contract with any governmental agency, person, association, or corporation for the accomplishment of its duties and responsibilities provided that the expenditure of funds pursuant to these

contracts shall be for the purposes for which the funds were appropriated and is not otherwise prohibited by law.

(b) The Office may enter into contracts with, and act as intermediary between, any federal government agency and any county of this State for the purpose of assisting the county to recover monies expended by a county-funded financial assistance program; and, as a condition of assistance, the county shall agree to hold and save harmless the Office against any claims, loss, or expense which the Office might incur under the contracts by reason of any erroneous, unlawful, or tortious act or omission of the county or its officials, agents, or employees.

(c) The Office and any other appropriate State or local agency may purchase services from public or private agencies providing delinquency prevention programs or juvenile court services, including parenting responsibility classes. The programs shall meet State standards. As institutional populations are reduced, the Office may divert State funds appropriated for institutional programs to purchase the services pursuant to the provisions of the Executive Budget Act.

(d) Each programmatic, residential, and service contract or agreement entered into by the Office shall include a cooperation clause to ensure compliance with the Office's quality assurance requirements and cost-accounting requirements.

"**§ 147-33.36. Authority to assist private nonprofit foundations.**

The Office may provide appropriate services or allow employees of the Office to assist any private nonprofit foundation which works directly with services or programs of the Office and whose sole purpose is to support the services and programs of the Office. An Office employee shall be allowed to work with a foundation no more than 20 hours in any one month. These services are not subject to the provisions of Chapter 150B of the General Statutes.

The board of directors of each private, nonprofit foundation shall secure and pay for the services of the Department of State Auditor or employ a certified public accountant to conduct an annual audit of the financial accounts of the foundation. The board of directors shall transmit to the Office a copy of the annual financial audit report of the private nonprofit foundation.

"**§ 147-33.37. Annual report.**

On or before April 1 each year, beginning with the year 2000, the Office shall report to the General Assembly on the effectiveness and cost benefit of every program operated and contracted by the Office and a summary of the local programs that receive State funding. The report shall include the most current institutional populations of juveniles being served by the Office, a comparison of the costs of the services, and a ranking of all programs that provide services to juveniles. The Office shall submit the report to the various State agencies providing services to juveniles.

"Part 3. Juvenile Facilities.

"**§ 147-33.38. Juvenile facilities.**

The Office shall be responsible for administration of statewide programs to provide any juvenile in a juvenile facility with appropriate treatment according to the juvenile's needs, including educational, clinical and psychological, psychiatric, social, medical, vocational, and recreational services or programs.

"**§ 147-33.39. Authority to provide necessary medical or surgical care.**

The Office may provide any medical and surgical treatment necessary to preserve the life and health of juveniles committed to the custody of the Office, provided that no surgical operation may be performed except as authorized in G.S. 148-22.2.

"**§ 147-33.40. Compensation to juveniles committed to the Office.**

Juveniles who have been committed to the Office may be compensated for work or participation in training programs at rates approved by the Office within available funds. The Office may provide for a reasonable allowance to the juvenile for incidental personal expenses, and any balance of the juvenile's earnings remaining at the time the juvenile is released shall be paid to the juvenile or the juvenile's parent or guardian. The Office is authorized to accept grants or funds from any source to compensate juveniles as provided under this section.

"**§ 147-33.41. Visits and community activities.**

(a) The Office shall encourage visits by parents or guardians and responsible relatives of juveniles committed to the custody of the Office.

(b) The Office shall develop a program of home visits for juveniles in the custody of the Office. In developing the program, the Office shall adopt criteria that promote the protection of the public and the best interests of the juvenile.

"**§ 147-33.42. Regional detention services.**

The Office shall be responsible for juvenile detention services, including the development of a statewide plan for regional juvenile detention services that offer juvenile detention care of sufficient quality to meet State standards to any juvenile requiring juvenile detention care within the State in a detention home or regional detention home as follows:

(1) The Office shall plan with the counties operating a county detention home to provide regional juvenile detention services to surrounding counties, except that the Office shall have discretion in defining the geographical boundaries of the regions based on negotiations with affected counties, distances, availability of juvenile detention care that meets State standards, and other appropriate factors.

(2) The Office may plan with any county that has space within its county jail system to use the existing space for a county detention home when needed, if the space meets the State standards for a detention home and meets all of the requirements of G.S. 153A-221. The use of space within the

county jail system shall be structured to ensure that juveniles would not be able to converse with, see, or be seen by the adult population, and juveniles housed in a space within a county jail shall be supervised closely.

(3) The Office shall plan for and administer regional detention homes, including careful planning on location, architectural design, construction, and administration of a program to meet the needs of juveniles in juvenile detention care. The physical facility of a regional detention home shall comply with all applicable State and federal standards. The programs of a regional detention home shall comply with the standards established by the Office.

"§ 147-33.43. State subsidy to county detention homes.

The Office shall administer a State subsidy program to pay a county that provides juvenile detention services and meets State standards a certain per diem per juvenile. In general, this per diem should be fifty percent (50%) of the total cost of caring for a juvenile from within the county and one hundred percent (100%) of the total cost of caring for a juvenile from another county. Any county placing a juvenile in a detention home in another county shall pay fifty percent (50%) of the total cost of caring for the juvenile to the Office. The exact funding formulas may be varied by the Office to operate within existing State appropriations or other funds that may be available to pay for juvenile detention care.

"§ 147-33.44. Authority for implementation.

In order to allow for effective implementation of a statewide regional approach to juvenile detention, the Office may:

(1) Release or transfer a juvenile from one detention home to another when necessary to appropriately administer the juvenile's detention.

(2) Plan with counties operating county detention homes to provide regional services and to upgrade physical facilities to contract with counties for services and care, and to pay State subsidies to counties providing regional juvenile detention services that meet State standards.

(3) Allow law enforcement officers or other appropriate employees of local government to be reimbursed by the State for the costs of transportation of a juvenile to and from any juvenile detention home.

(4) Seek funding for juvenile detention services from federal sources, and to accept gifts of funds from public or private sources.

"Part 4. Juvenile Court Services.

"§ 147-33.45. Duties and powers of chief court counselors.

The chief court counselor in each district court district appointed as provided by this Article may:

(1) Appoint court counselors, secretaries, and other personnel authorized by the Office in accordance with the personnel policies adopted by the Office.

(2) Supervise and direct the program of juvenile intake, protective supervision, probation, and aftercare within the district court district.

(3) Provide in-service training for staff as required by the Office.

(4) Keep any records and make any reports requested by the Office in order to provide statewide data and information about juvenile needs and services.

"**§ 147-33.46. Duties and powers of juvenile court counselors.**

As the court or the chief court counselor may direct or require, all juvenile court counselors shall have the following powers and duties:

(1) Secure or arrange for such information concerning a case as the court may require before, during, or after the hearing.

(2) Prepare written reports for the use of the court.

(3) Appear and testify at court hearings.

(4) Assume custody of a juvenile as authorized by G.S. 7A-571, or when directed by court order.

(5) Furnish each juvenile on probation or protective supervision and the juvenile's parents, guardian, or custodian with a written statement of the juvenile's conditions of probation or protective supervision, and consult with the juvenile's parents, guardian, or custodian so that they may help the juvenile comply with the conditions.

(6) Keep informed concerning the conduct and progress of any juvenile on probation or under protective supervision through home visits or conferences with the parents or guardian and in other ways.

(7) See that the conditions of probation are complied with by the juvenile, or to bring any juvenile who violates the juvenile's probation to the attention of the court.

(8) Make periodic reports to the court concerning the adjustment of any juvenile on probation or under court supervision.

(9) Keep any records of the juvenile's work as the court may require.

(10) Account for all funds collected from juveniles.

(11) Serve necessary court documents pertaining to delinquent and undisciplined juvenile matters.

(12) Assume custody of juveniles under the jurisdiction of the court when necessary for the protection of the public, or the juvenile, and necessary to carry out the responsibilities of

court counselors under this section and under Subchapter XI of Chapter 7A of the General Statutes.

(13) Use reasonable force and restraint necessary to secure custody assumed under subdivision (12) of this section.

(14) Provide supervision for a juvenile transferred to the counselor's supervision from another court or another state, and provide supervision for any juvenile released from an institution operated by the Office when requested by the Office to do so.

(15) Assist in the development of aftercare and the supervision of juveniles.

(16) Have any other duties as the court may direct.

"Part 5. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

"§ 147-33.47. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

(a) The Office shall develop a comprehensive juvenile delinquency and substance abuse prevention plan and shall coordinate with county Juvenile Crime Prevention Councils, as provided in G.S. 147-33.48, for implementation of a continuum of services and programs at the community level. The Office shall ensure that localities are informed about best practices in juvenile delinquency and substance abuse prevention.

(b) The Office shall ensure that the plan contains the following:

(1) Identification of the risk factors at the developmental stages of a juvenile's life that may result in delinquent behavior.

(2) Identification of the protective factors that families, schools, communities, and the State must support to reduce the risk of juvenile delinquency.

(3) Programmatic concepts that are effective in preventing juvenile delinquency and substance abuse and that should be made available as basic services in the communities, including:

a. Early intervention programs and services.

b. In-home training and community-based family counseling and parent training.

c. Adolescent and family substance abuse prevention services, including alcohol abuse prevention services, and substance abuse education.

d. Programs and activities offered before and after school hours.

e. Life and social skills training programs.

f. Classes or seminars that teach conflict resolution, problem solving, and anger management.

g. Services that provide personal advocacy, including mentoring relationships, tutors, or other caring adult programs.

(c) Prior to the implementation of the Office's plan prescribed in this section, the Office shall report to the State Advisory Council on Juvenile Justice and Delinquency Prevention, as established in G.S. 147-33.56.

(d) The Office shall cooperate with all other affected State agencies and entities in implementing this section.

"Part 6. Juvenile Crime Prevention Councils.

"§ 147-33.48. Legislative intent.

It is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent. The primary intent of this Part is to develop community-based alternatives to training schools and to provide community-based delinquency and substance abuse prevention strategies and programs. Additionally, it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

These programs and services shall be planned and organized at the community level and developed in partnership with the State. These planning efforts shall include appropriate representation from local government, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The planning bodies at the local level shall be the Juvenile Crime Prevention Councils.

"§ 147-33.49. Creation; method of appointment; membership; chair and vice-chair.

(a) As a prerequisite for a county receiving funding for juvenile court services and delinquency prevention programs, the board of county commissioners shall appoint a Juvenile Crime Prevention Council. The Juvenile Crime Prevention Council shall consist of not more than 25 members and should include, if possible, the following:

(1) The local school superintendent(s), or that person's designee(s);

(2) A chief of police in the county;

(3) The local sheriff, or that person's designee;

(4) The district attorney, or that person's designee;

(5) The chief court counselor, or that person's designee;

(6) The director of the area mental health, developmental disabilities, and substance abuse authority, or that person's designee;

(7) The director of the county department of social services, or consolidated human services agency, or that person's designee;

(8) The county manager, or that person's designee;
(9) A substance abuse professional;
(10) A member of the faith community;
(11) A county commissioner;
(12) A person under the age of 21;
(13) A juvenile defense attorney;
(14) The chief district court judge, or a district court judge designated by the chief district court judge;
(15) A member of the business community;
(16) The local health director, or that person's designee;
(17) A representative from the United Way or other nonprofit agency;
(18) A representative of a local parks and recreation program; and
(19) Up to seven members of the public to be appointed by the county board of commissioners.

The county board of commissioners shall modify the Council's membership as necessary to ensure that Council members reflect the racial and socioeconomic diversity of the community and to minimize potential conflicts of interest by members.

(b) Two or more counties may establish a multicounty Juvenile Crime Prevention Council pursuant to subsection (a) of this section. The membership shall be representative of each participating county.

(c) The chair and vice-chair shall be elected annually by the members of the Council.

"**§ 147-33.50. Terms of appointment.**

Each member of a Juvenile Crime Prevention Council shall serve for a term of two years. Members may be reappointed. Terms of appointment shall begin January 1, 1999. In order to provide for staggered terms, persons appointed for the positions designated in subdivisions (9), (10), (12), (15), (17), and (18) of G.S. 147-33.49(a) shall be for an initial one-year term and two-year terms thereafter.

"**§ 147-33.51. Vacancies; removal.**

Appointments to fill vacancies shall be for the remainder of the former member's term.

Members shall only be removed for misfeasance, malfeasance, or nonfeasance as determined by the board of county commissioners.

"**§ 147-33.52. Meetings; quorum.**

Councils shall meet at least once per month, or more often if a meeting is called by the chair.

A majority of members shall constitute a quorum.

"**§ 147-33.53. Compensation of members.**

Members of Juvenile Crime Prevention Councils shall receive no compensation but may receive a per diem in such an amount as may be established by the board of county commissioners.

"**§ 147-33.54. Powers and duties.**

(a) The Councils shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. The Council shall develop and advertise a request for proposal process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the board of county commissioners for its approval. Upon the county's authorization, the plan shall be submitted to the Office for final approval and subsequent implementation.

(b) The Councils shall ensure that appropriate intermediate dispositional options are available and shall prioritize funding for dispositions of intermediate and community level sanctions for court-adjudicated juveniles pursuant to minimum standards adopted by the Office.

(c) The Councils shall perform the following functions on an ongoing basis:

(1) Assess the needs of juveniles in the community, evaluate the adequacy of resources available to meet those needs, and develop or propose ways to address unmet needs;

(2) Evaluate the performance of juvenile services and programs in the community. The Council shall evaluate each funded program as a condition of continued funding;

(3) Increase public awareness of the causes of delinquency and of strategies to reduce the problem;

(4) Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments;

(5) Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families, including court-ordered parenting responsibility classes; and

(6) Plan for the establishment of a permanent funding stream for delinquency prevention services.

(d) The Councils may examine the benefits of joint program development between counties within the same judicial district.

"**§ 147-33.55. Funding for programs.**

(a) The Office shall develop a funding mechanism for programs that meet the standards as developed under the provisions of this Part. The Office shall ensure that the guidelines for the State/local partnership's funding process include the following requirements:

(1) Fund effective programs. -- The Office shall fund programs that it determines to be effective in preventing delinquency and recidivism. Programs that have proven to be ineffective shall not be funded;

(2) Use a formula for the distribution of funds. -- A funding formula shall be developed that ensures that even the smallest counties will be able to provide the basic

prevention and alternatives services to juveniles in their communities;

(3) Allow and encourage local flexibility. -- A vital component of the State/local partnership established by this section is local flexibility to determine how best to allocate prevention and alternatives funds; and

(4) Combine resources. -- Counties shall be allowed and encouraged to combine resources and services.

(b) The Office shall adopt rules to implement this section, and the Office shall provide technical assistance to Juvenile Crime Prevention Councils and shall ensure that the Juvenile Crime Prevention Councils evaluate all State-funded programs and services on an ongoing and regular basis.

"Part 7. State Advisory Council on Juvenile Justice and Delinquency Prevention.

"§ 147-33.56. Creation of Council; purpose; members; duties.

(a) Creation. -- There is created the State Advisory Council on Juvenile Justice and Delinquency Prevention. The Council shall be located within the Office for organizational, budgetary, and administrative purposes.

(b) Purpose. -- The purpose of the Council is to review and advise the Office in the development of a comprehensive interagency plan to reduce juvenile delinquency and substance abuse and to coordinate efforts among State agencies providing services and supervision to juveniles who are at risk of delinquency and for juveniles who have been adjudicated of delinquent and undisciplined behavior.

(c) Membership. -- The Council shall consist of 19 members as follows:

(1) Five persons appointed by the Governor, one of whom is a private citizen who has demonstrated an interest in and commitment to juvenile justice issues.

(2) Four persons appointed by the Chief Justice of the Supreme Court.

(3) The following persons, or their designees, ex officio:

a. The Governor.

b. The Chief Justice of the Supreme Court.

c. The President Pro Tempore of the Senate.

d. The Speaker of the House of Representatives.

e. The Director of the Administrative Office of the Courts.

f. The Superintendent of Public Instruction.

g. The Secretary of the Department of Administration.

h. The Secretary of the Department of Health and Human Services.

i. The Secretary of the Department of Correction.

j. The Secretary of the Department of Crime Control and Public Safety.

(d) Terms. -- Members, other than ex officio members, shall serve for two-year terms, beginning January 1, 1999, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The Governor shall initially appoint three members for terms of two years and two members for terms of three years.

(2) The Chief Justice of the Supreme Court shall initially appoint two members for terms of two years and two members for terms of three years.

(e) Chair. -- The Governor and Chief Justice of the Supreme Court shall serve as cochairs of the Council.

(f) Vacancies. -- A vacancy on the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.

(g) Compensation. -- The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

(h) Removal. -- Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(i) Meetings. -- The chair shall convene the Council. Meetings shall be held as often as necessary but not less than four times a year.

(j) Quorum. -- A majority of the members of the Council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Council shall be necessary for action to be taken by the Council.

"**§ 147-33.57. Powers and duties of the Council.**

The Council shall have the following powers and duties:

(1) Advise the Office in the review of the State's juvenile justice planning, the development of the community juvenile justice councils, and the development of a formula for the distribution of funds to Juvenile Crime Prevention Councils.

(2) Advise all State agencies serving juveniles for the purpose of developing a consistent philosophy with regard to providing services to juveniles and promoting collaboration and the efficient and effective delivery of services to juveniles and families through State, local, and district programs and fully address problems of collaboration across State agencies with the goal of serving juveniles.

(3) Review and comment on juvenile justice, delinquency prevention, and juvenile services grant applications prepared for submission under any federal grant program by any governmental entity of the State.

(4) Review the juvenile justice system's operation and prioritization of funding needs.

(5) Review the progress and accomplishment of State and local juvenile justice, delinquency prevention, and juvenile services projects.

(6) Develop recommendations concerning the establishment of priorities and needed improvements with respect to juvenile justice, delinquency prevention, and juvenile services and report its recommendations to the General Assembly on or before March 1 each year, beginning in the year 2000.

(7) Review and comment on the proposed budget for the Office."

(c) All juveniles in the custody or placement responsibility of the Division of Youth Services of the Department of Health and Human Services, as of January 1, 1999, are hereby transferred effective on that date to the custody or placement responsibility of the Office of Juvenile Justice. All juveniles under the supervision of the Division of Juvenile Services of the Administrative Office of the Courts and all juveniles for whom a juvenile petition is pending as of January 1, 1999, are hereby transferred effective on that date to the supervision or administrative responsibility of the Office of Juvenile Justice.

(d) Beginning January 1, 1999, the Office of Juvenile Justice shall have all the authority, powers, and duties of the Division of Youth Services of the Department of Health and Human Services and the Juvenile Services Division of the Administrative Office of the Courts pursuant to Article 3C of Chapter 147 of the General Statutes, as enacted in Section 1(b) of this act. Effective January 1, 1999, the terms "Division", "Division of Youth Services", "Division of Juvenile Services", "Juvenile Services Division", "Administrative Office of the Courts", "Director of Youth Services", "Director of the Division of Youth Services", "Administrator for Juvenile Services", and "Administrator of Juvenile Services" as used in Subchapter XI of Chapter 7A of the General Statutes shall refer to the Office of Juvenile Justice established in Section 1(b) of this act.

(e) The Office of the Governor shall report to the Joint Legislative Commission on Governmental Operations and to the House and Senate Appropriations Committees on or before May 1, 1999, on the organizational structure and staffing of the Office of Juvenile Justice. The report shall include:

(1) The total budget for the 1998-99 fiscal year and the proposed budget for 1999-2000 fiscal year, including the source of funds.

(2) A summary of unexpended balances of appropriations, allocations, reserves, and support costs transferred from the Division of Youth Services of the Department of Health and

Human Services and of the Juvenile Services Division of the Administrative Office of the Courts.

(3) A list of personnel positions, including any personnel positions that have been reclassified, abolished, or established as part of the new structure and the differences between old and new salaries.

(4) An organization chart of all proposed and operating programs, including a summary of the status of the development of the Juvenile Crime Prevention Councils and the allocation of funding for local programs.

Section 2. (a) G.S. 147-33.33, as enacted by Section 1 of this act, reads as rewritten:

"**§ 147-33.33. Definitions.**

The definitions set forth in ~~G.S. 7A-517~~ G.S. 7B-1501 apply to this Article, unless modified in this Article."

(b) G.S. 147-33.34(5), as enacted by Section 1 of this act, reads as rewritten:

"(5) To adopt rules and regulations to implement the provisions of this Article and the responsibilities of the Office under ~~Subchapter XI of Chapter 7A~~ Chapter 7B of the General Statutes. The Governor may adopt rules applicable to local human services agencies providing juvenile court and delinquency prevention services for the purpose of program evaluation, fiscal audits, and collection of third-party payments."

(c) G.S. 147-33.41, as enacted by Section 1 of this act, reads as rewritten:

"**§ 147-33.41. Visits and community activities.**

(a) The Office shall encourage visits by parents or guardians and responsible relatives of juveniles committed to the custody of the Office.

(b) The Office shall develop a program of home visits for juveniles in the custody of the ~~Office.~~ Office, after the juvenile has been in the custody of the Office for a period of at least six months. In developing the program, the Office shall adopt criteria that promote the protection of the public and the best interests of the juvenile."

(d) G.S. 147-33.46(4), as enacted by Section 1 of this act, reads as rewritten:

"(4) To assume custody of a juvenile as authorized by ~~G.S. 7A-571,~~ G.S. 7B-1900, or when directed by court order."

(e) G.S. 147-33.46(12), as enacted by Section 1 of this act, reads as rewritten:

"(12) To assume custody of juveniles under the jurisdiction of the court when necessary for the

protection of the public, or the juvenile, and necessary to carry out the responsibilities of court counselors under this section and under ~~Subchapter XI of Chapter 7A~~ Chapter 7B of the General Statutes."

(f) Effective July 1, 1999, the Revisor of Statutes shall substitute the term "post-release supervision" for the term "aftercare" and the term "detention facility" for the terms "detention home" and "regional detention home" everywhere those terms appear in Article 3C of Chapter 147 of the General Statutes, as enacted in Section 1 of this act.

PART II. PLAN OF REORGANIZATION

Section 3. The Governor shall develop a proposed plan of reorganization to transfer all authority, powers, duties, and functions of the Division of Youth Services of the Department of Health and Human Services and of the Juvenile Services Division of the Administrative Office of the Courts, which are temporarily transferred to the Office of the Governor in Section 1 of this act, to an existing principal State department, or in the alternative, to a new principal State department. While the Division of Youth Services and the Juvenile Services Division ("Divisions") are consolidated under the Office of the Governor, the Governor shall consider the organizational structure, the operating budgets, and the duties and requirements of the Divisions to determine how those Divisions can operate most effectively and efficiently.

As part of the development of the plan of reorganization, the Governor shall conduct a study to determine alternative organizational structures for managing State juvenile programs and shall consider the feasibility and advisability of transferring the authority, powers, duties, and functions of the Divisions to an existing principal State department or in the alternative, to a new principal State department. The Governor shall review all agency divisions, councils, and programs that provide services to and treatment of juveniles, including other divisions of the Department of Health and Human Services, the Center for the Prevention of School Violence, School Resource Officers, and the Guardian ad Litem Program of the Administrative Office of the Courts to determine whether the agency divisions, councils, or programs would operate more effectively and efficiently if consolidated under the plan of reorganization. The Governor shall also study the method by which federal and State funds and grants, including the Juvenile Accountability Incentive Block Grants, are distributed to the local level to determine whether those functions should be consolidated under the plan of reorganization, whether priority should be given to funding certain programs in an effort to develop those programs statewide, and whether matching funds should be required from local governments as a prerequisite to obtaining State funds.

The plan of reorganization shall include the following:

(1) The organizational structure of the new department if the creation of a new department is recommended, or, if consolidation of the Divisions within an existing department is recommended, the organizational structure of the division or divisions and a summary of any central administrative office support given to the division or divisions. The plan shall include a statement of the total personnel positions for management, administration, and programs and the reporting relationships of those positions.

(2) The proposed budget for fiscal year 2000-2001 for the new department, or the existing department and consolidated division or divisions within that department, including any proposed new positions, position reclassifications, or changes to salary structure of personnel.

(3) Any proposal to consolidate any existing agency division, council, or program, other than the Division of Youth Services or the Juvenile Services Division, that provides services to and treatment of juveniles within the new department or new division or divisions.

(4) A written statement of all options of reorganization considered by the Governor, a summary of why those options were not adopted, and an explanation of how the recommended organization and management structure will result in the most effective and efficient delivery of juvenile services and programs.

(5) Any legislative proposals required to provide services to and treatment of juveniles more efficiently and effectively and any proposals to consolidate or expand office space, including the location and expected cost of the proposal.

All departments, divisions, councils, and programs from which the Governor may require information or assistance in developing the plan of reorganization shall cooperate with the Governor.

On or before April 1, 2000, the Governor shall report the plan of reorganization and funding requirements that are required to implement the plan of reorganization to the General Assembly. The plan of reorganization developed pursuant to this section shall not become effective until it is approved by the General Assembly.

Section 4. (a) G.S. 7A-343.1 reads as rewritten:

"**§ 7A-343.1. Distribution of copies of the appellate division reports.**

The Administrative Officer of the Courts shall, at the State's expense distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

Governor, Office of the 1

Lieutenant Governor, Office of the	1
Secretary of State, Department of the	2
State Auditor, Department of the	1
Treasurer, Department of the State	1
Superintendent of Public Instruction	1
Office of the Attorney General	11
State Bureau of Investigation	1
Agriculture and Consumer Services, Department of	1
Labor, Department of	1
Insurance, Department of	1
Budget Bureau, Department of Administration	1
Property Control, Department of Administration	1
State Planning, Department of Administration	1
Environment and Natural Resources, Department of	1
Revenue, Department of	1
Health and Human Services, Department of	1
Juvenile Justice, Office of	1
Commission for the Blind	1
Transportation, Department of	1
Motor Vehicles, Division of	1
Utilities Commission	8
Industrial Commission	11
State Personnel Commission	1
Office of State Personnel	1
Office of Administrative Hearings	2
Community Colleges, Department of	38
Employment Security Commission	1
Commission of Correction	1
Parole Commission	1
Archives and History, Division of	1
Crime Control and Public Safety, Department of	2
Cultural Resources, Department of	3
Legislative Building Library	2
Justices of the Supreme Court	1 ea.
Judges of the Court of Appeals	1 ea.
Judges of the Superior Court	1 ea.
Clerks of the Superior Court	1 ea.
District Attorneys	1 ea.
Emergency and Special Judges of the Superior Court	1 ea.
Supreme Court Library	AS MANY AS REQUESTED
Appellate Division Reporter	1
University of North Carolina, Chapel Hill	71
University of North Carolina, Charlotte	1
University of North Carolina, Greensboro	1
University of North Carolina, Asheville	1

North Carolina State University, Raleigh	1
Appalachian State University	1
East Carolina University	1
Fayetteville State University	1
North Carolina Central University	17
Western Carolina University	1
Duke University	17
Davidson College	2
Wake Forest University	25
Lenoir Rhyne College	1
Elon College	1
Campbell University	25
Federal, Out-of-State and Foreign Secretary of State	1
Secretary of Defense	1
Secretary of Health, Education and Welfare	1
Secretary of Housing and Urban Development	1
Secretary of Transportation	1
Attorney General	1
Department of Justice	1
Internal Revenue Service	1
Veterans' Administration	1
Library of Congress	5
Federal Judges resident in North Carolina	1 ea.
Marshal of the United States Supreme Court	1
Federal District Attorneys resident in North Carolina	1 ea.
Federal Clerks of Court resident in North Carolina	1 ea.
Supreme Court Library exchange list	1

Each justice of the Supreme Court and judge of the Court of Appeals shall receive for ~~his~~ private use, one complete and up- to-date set of the appellate division reports. The copies of reports furnished each justice or judge as set out in the table above may be retained ~~by him~~ personally to enable ~~him~~ the justice or judge to keep up-to-date ~~his~~ the personal set of reports."

(b) G.S. 14-316.1 reads as rewritten:

"**§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

Any person who is at least 16 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as defined by ~~G.S. 7A-517~~ G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person, including an

employee of the ~~Department of Health and Human Services~~ Office of Juvenile Justice under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the ~~Division of Youth Services~~ Office of Juvenile Justice, who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

(c) G.S. 17C-3 reads as rewritten:

"§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission established; members; terms; vacancies.

(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called `the Commission,' in the Department of Justice. The Commission shall be composed of 26 members as follows:

(1) Police Chiefs. -- Three police chiefs selected by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor.

(2) Police Officers. -- Three police officials appointed by the North Carolina Police Executives Association and two criminal justice officers certified by the Commission as selected by the North Carolina Law-Enforcement Officers' Association.

(3) Departments. -- The Attorney General of the State of North Carolina; the Secretary of the Department of Crime Control and Public Safety; ~~the Secretary of the Department of Health and Human Services;~~ the Secretary of the Department of Correction; the President of the Department of Community Colleges.

(3a) A representative of the Office of Juvenile Justice.

(4) At-large Groups. -- One individual representing and appointed by each of the following organizations: one mayor selected by the League of Municipalities; one law-enforcement training officer selected by the North Carolina Law-Enforcement Training Officers' Association; one criminal justice professional selected by the North Carolina Criminal Justice Association; one sworn law- enforcement officer selected by the North State Law-Enforcement Officers' Association; one member selected by the North Carolina Law-Enforcement Women's Association; and one District Attorney selected by the North Carolina Association of District Attorneys.

(5) Citizens and Others. -- The President of The University of North Carolina; the Director of the Institute of Government; and two citizens, one of whom shall be selected by the Governor and one of whom shall be selected by the

Attorney General. The General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years.

(b) The members shall be appointed for staggered terms. The initial appointments shall be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: one member from subdivision (1) of subsection (a), serving as a police chief; three members from subdivision (2) of subsection (a), one serving as a police official, and two criminal justice officers; one member from subdivision (4) of subsection (a), appointed by the North Carolina Law-Enforcement Training Officers' Association; and two members from subdivision (5) of subsection (a), one appointed by the Governor and one appointed by the Attorney General.

For the terms of two years: one member from subdivision (1) of subsection (a), serving as a police chief; one member from subdivision (2) of subsection (a), serving as a police official; and two members from subdivision (4) of subsection (a), one appointed by the League of Municipalities and one appointed by the North Carolina Association of District Attorneys.

For the terms of three years: two members from subdivision (1) of subsection (a), one police chief appointed by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor; one member from subdivision (2) of subsection (a), serving as a police official; and three members from subdivision (4) of subsection (a), one appointed by the North Carolina Law-Enforcement Women's Association, one appointed by the North Carolina Criminal Justice Association, and one appointed by the North State Law-Enforcement Officers' Association.

Thereafter, as the term of each member expires, his successor shall be appointed for a term of three years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the appointing authority.

The Attorney General, the Secretary of the Department of Crime Control and Public Safety, ~~the Secretary of the Department of Health and Human Services,~~ the Secretary of the Department of Correction, the President of The University of North Carolina, the Director of the Institute of Government, and the President of the Department of Community Colleges shall be continuing members of the Commission during their

tenure. These members of the Commission shall serve ex officio and shall perform their duties on the Commission in addition to the other duties of their offices. The ex officio members may elect to serve personally at any or all meetings of the Commission or may designate, in writing, one member of their respective office, department, university or agency to represent and vote for them on the Commission at all meetings the ex officio members are unable to attend.

Vacancies in the Commission occurring for any reason shall be filled, for the unexpired term, by the authority making the original appointment of the person causing the vacancy. A vacancy may be created by removal of a Commission member by majority vote of the Commission for misconduct, incompetence, or neglect of duty. A Commission member may be removed only pursuant to a hearing, after notice, at which the member subject to removal has an opportunity to be heard."

(d) G.S. 66-58(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall not apply to:

(1) Counties and municipalities.

(2) The Department of Health and Human Services or the Department of Agriculture and Consumer Services for the sale of serums, vaccines, and other like products.

(3) The Department of Administration, except that the agency shall not exceed the authority granted in the act creating the agency.

(4) The State hospitals for the mentally ill.

(5) The Department of Health and Human Services.

(6) The North Carolina School for the Blind at Raleigh.

(6a) The Office of Juvenile Justice.

(7) The North Carolina Schools for the Deaf.

(8) The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State University at Raleigh,

and the other schools and colleges for higher education maintained or supported by the State, nor to the Centennial Campus of North Carolina State University at Raleigh, nor to the comprehensive student health services or the comprehensive student infirmaries maintained by the constituent institutions of the University of North Carolina.

(9) The Department of Environment and Natural Resources, except that the Department shall not construct, maintain, operate or lease a hotel or tourist inn in any park over which it has jurisdiction. The North Carolina Wildlife Resources Commission may sell wildlife memorabilia as a service to members of the public interested in wildlife conservation.

(10) Child-caring institutions or orphanages receiving State aid.

(11) Highlands School in Macon County.

(12) The North Carolina State Fair.

(13) Rural electric memberships corporations.

(13a) State Farm Operations Commission.

(13b) The Department of Agriculture and Consumer Services with regard to its lessees at farmers' markets operated by the Department.

(13c) The Western North Carolina Agricultural Center.

(14) Nothing herein contained shall be construed to prohibit the engagement in any of the activities described in subsection (a) hereof by a firm, corporation or person who or which is a lessee of space only of the State of North Carolina or any of its departments or agencies; provided the leases shall be awarded by the Department of Administration to the highest bidder, as provided by law in the case of State contracts and which lease shall be for a term of not less than one year and not more than five years.

(15) The State Department of Correction is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Department may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the State Department of Correction for the State automobile license tag requirements from year to year.

The price to be paid to the State Department of Correction for the tags shall be fixed and agreed upon by the Governor, the State Department of Correction, and the Motor Vehicle

Commissioner, or such authority as may be authorized to purchase the supplies.

(16) Laundry services performed by the Department of Correction may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Department of Correction, or for which services have been contracted or applied for in writing, as of May 22, 1973. In addition to the prior sentence, laundry services performed by the Department of Correction may be provided for the Governor Morehead School and the North Carolina School for the Deaf.

The services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by the institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by the institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet- washing, drying and ironing may in the future, at the election of the Department of Correction, be processed by a dry-cleaning method.

(17) The North Carolina Global TransPark Authority or a lessee of the Authority.

(18) The activities and products of private enterprise carried on or manufactured within a State prison facility pursuant to G.S. 148-70."

(e) G.S. 66-58(c) reads as rewritten:

"(c) The provisions of subsection (a) shall not prohibit:

(1) The sale of products of experiment stations or test farms.

(2) The sale of learned journals, works of art, books or publications of the Department of Cultural Resources or other agencies, or the Supreme Court Reports or Session Laws of the General Assembly.

(3) The business operation of endowment funds established for the purpose of producing income for educational purposes; for purposes of this section, the phrase `operation of endowment funds' shall include the operation by public postsecondary educational institutions of campus stores, the profits from which are used exclusively for awarding scholarships to defray the expenses of students attending the institution; provided, that the operation of the stores must be approved by the board of trustees of the institution, and the merchandise sold shall be limited to educational materials

and supplies, gift items and miscellaneous personal-use articles. Provided further that sales at campus stores are limited to employees of the institution and members of their immediate families, to duly enrolled students of the campus at which a campus store is located and their immediate families, to duly enrolled students of other campuses of the University of North Carolina other than the campus at which the campus store is located, to other campus stores and to other persons who are on campus other than for the purpose of purchasing merchandise from campus stores. It is the intent of this subdivision that campus stores be established and operated for the purpose of assuring the availability of merchandise described in this Article for sale to persons enumerated herein and not for the purpose of competing with stores operated in the communities surrounding the campuses of the University of North Carolina.

(4) The operation of lunch counters by the Department of Health and Human Services as blind enterprises of the type operated on January 1, 1951, in State buildings in the City of Raleigh.

(5) The operation of a snack bar and cafeteria in the State Legislative Building.

(6) The maintenance by the prison system authorities of eating and sleeping facilities at units of the State prison system for prisoners and for members of the prison staff while on duty, or the maintenance by the highway system authorities of eating and sleeping facilities for working crews on highway construction or maintenance when actually engaged in such work on parts of the highway system.

(7) The operation by penal, correctional or facilities operated by the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, or by the Department of Agriculture and Consumer Services, of dining rooms for the inmates or clients or members of the staff while on duty and for the accommodation of persons visiting the inmates or clients, and other bona fide visitors.

(8) The sale by the Department of Agriculture and Consumer Services of livestock, poultry and publications in keeping with its present livestock and farm program.

(9) The operation by the public schools of school cafeterias.

(9a) The use of a public school bus or public school activity bus for a purpose allowed under G.S. 115C- 242 or the use of a public school activity bus for a purpose authorized by G.S. 115C-247.

(10) Sale by any State correctional or other institution of farm, dairy, livestock or poultry products raised or produced by it in its normal operations as authorized by the act creating it.

(11) The sale of textbooks, library books, forms, bulletins, and instructional supplies by the State Board of Education, State Department of Public Instruction, and local school authorities.

(12) The sale of North Carolina flags by or through the auspices of the Department of Administration, to the citizens of North Carolina.

(13) The operation by the Department of Correction of forestry management programs on State-owned lands, including the sale on the open market of timber cut as a part of the management program.

(14) The operation by the Department of Correction of facilities to manufacture and produce traffic and street name signs for use on the public streets and highways of the State.

(15) The operation by the Department of Correction of facilities to manufacture and produce paint for use on the public streets and highways of the State.

(16) The performance by the Department of Transportation of dredging services for a unit of local government.

(17) The sale by the State Board of Elections to political committees and candidate committees of computer software designed by or for the State Board of Elections to provide a uniform system of electronic filing of the campaign finance reports required by Article 22A of Chapter 163 of the General Statutes and to facilitate the State Board's monitoring of compliance with that Article. This computer software for electronic filing of campaign finance reports shall not exceed a cost of one hundred dollars ($100.00) to any political committee or candidate committee without the State Board of Elections first notifying in writing the Joint Legislative Commission on Governmental Operations.

(18) The leasing of no more than 50 acres within the North Carolina Zoological Park by the Department of Environment and Natural Resources to the North Carolina Zoological Society for the maintenance or operation, pursuant to a contract or otherwise, of an exhibition center, theater, conference center, and associated restaurants and lodging facilities."

(f) G.S. 114-19.6 reads as rewritten:

"§ 114-19.6. Criminal history record checks of employees of and applicants for employment with the Department of Health and Human ~~Services.~~ Services, and the Office of Juvenile Justice.

(a) Definitions. -- As used in this section, the term:

(1) 'Covered person' means:

a. An applicant for employment or a current employee in a position in the Department of Health and Human Services or the Office of Juvenile Justice who provides direct care for a client, patient, student, resident or ward of the Department; or

b. Supervises positions providing direct care as outlined in sub-subdivision a. of this subdivision.

(2) 'Criminal history' means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a covered person's fitness for employment in the Department of Health and Human ~~Services.~~ Services or the Office of Juvenile Justice. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol- related offenses such as sale to underage persons in violation of

G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) When requested by the Department of Health and Human ~~Services,~~ Services or the Office of Juvenile Justice, the North Carolina Department of Justice may provide to the Department ~~of Health and Human Services~~ or Office a covered person's criminal history from the State Repository of Criminal Histories. Such requests shall not be due to a person's age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition as defined by G.S. 168A-3. For requests for a State criminal history record check only, the Department ~~of Health and Human Services~~ or Office shall provide to the Department of Justice a form consenting to the check signed by the covered person to be checked and any additional information required by the Department of Justice. National criminal record checks are authorized for covered applicants who have not resided in the State of North Carolina during the past five years. For national checks the Department ~~of Health and Human Services~~ or Office shall provide to the North Carolina Department of Justice the fingerprints of the covered person to be checked, any additional information required by the Department of Justice, and a form signed by the covered person to be checked consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Health and Human Services and the Office of Juvenile Justice shall keep all information pursuant to this section confidential. The Department of Justice shall charge a reasonable fee for conducting the checks of the criminal history records authorized by this section.

(c) All releases of criminal history information to the Department of Health and Human Services or the Office of Juvenile Justice shall be subject to, and in compliance with, rules governing the dissemination of criminal history record checks as adopted by the North Carolina Division of Criminal Information. All of the information the Department ~~of Health and Human Services~~ or Office receives through the checking of the criminal history is privileged information and for the exclusive use of the ~~Department of Health and Human Services.~~ Department or Office.

(d) If the covered person's verified criminal history record check reveals one or more convictions covered under subsection (a) of this section, then the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment with the Department of Health and Human ~~Services.~~ Services or the Office of Juvenile Justice. The conviction shall not automatically prohibit employment; however, the following factors shall be considered by the

Department ~~of Health and Human Services~~ or Office in determining whether employment shall be denied:

(1) The level and seriousness of the crime;
(2) The date of the crime;
(3) The age of the person at the time of the conviction;
(4) The circumstances surrounding the commission of the crime, if known;
(5) The nexus between the criminal conduct of the person and job duties of the person;
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and
(7) The subsequent commission by the person of a crime listed in subsection (a) of this section.

(e) The Department of Health and Human Services and the Office of Juvenile Justice may deny employment to or dismiss a covered person who refuses to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(f) The Department of Health and Human Services and the Office of Juvenile Justice may extend a conditional offer of employment pending the results of a criminal history record check authorized by this section."

(g) G.S. 115C-110 reads as rewritten:

"§ 115C-110. Services mandatory; single-agency responsibility; State and local plans; census and registration.

(a) The Board shall cause to be provided by all local school administrative units and by all other State and local governmental agencies providing special education services or having children with special needs in their care, custody, management, jurisdiction, control, or programs, special education and related services appropriate to all children with special needs. In this regard, all local school administrative units and all other State and local governmental agencies providing special education and related services shall explore available local resources and determine whether the services are currently being offered by an existing public or private agency.

When a specified special education or related service is being offered by a local public or private resource, any unit or agency described above shall negotiate for the purchase of that service or shall present full consideration of alternatives and its recommendations to the Board. In this regard, a new or additional program for special education or related services shall be developed with the approval of the Board only when that service is not being provided by existing public or private resources or the service cannot be purchased from existing providers. Further, the Board shall support and encourage joint and collaborative special education planning and

programming at local levels to include local administrative units and the programs and agencies of the Departments of Health and Human Services and ~~Correction.~~ Correction and the Office of Juvenile Justice.

The jurisdiction of the Board with respect to the design and content of special education programs or related services for children with special needs extends to and over the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, and the Department of Correction.

All provisions of this Article that are specifically applicable to local school administrative units also are applicable to the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, and the Department of Correction and their divisions and agencies; all duties, responsibilities, rights and privileges specifically imposed on or granted to local school administrative units by this Article also are imposed on or granted to the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, and the Department of Correction and their divisions and agencies. However, with respect to children with special needs who are residents or patients of any state-operated or state-supported residential treatment facility, including without limitation, a school for the deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility operated by the Office of Juvenile Justice, the Department of Correction or any of its divisions and agencies, the Board shall have the power to contract with the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, and the Department of Correction for the provision of special education and related services and the power to review, revise and approve ~~said Departments'~~ any plans for special education and related services to those residents.

The Departments of Health and Human Services and Correction and the Office of Juvenile Justice shall submit to the Board their plans for the education of children with special needs in their care, custody, or control. The Board shall have general supervision and shall set standards, by rule or regulation, for the programs of special education to be administered by it, by local educational agencies, and by the Departments of Health and Human Services and ~~Correction.~~ Correction and the Office of Juvenile Justice. The Board may grant specific exemptions for programs administered by the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, or the Department of Correction when compliance by them with the Board's standards would, in the Board's judgment, impose undue hardship on ~~such~~ this Department or Office and when other procedural due process requirements, substantially equivalent to those of G.S. 115C-116, are assured in programs of special education and related services furnished to children with special needs served by ~~such Department.~~ this Department or Office. Further, the Board shall recognize that inpatient and residential special education programs within the Departments of Health and Human Services and Correction and the Office of Juvenile Justice may require more program resources than those

necessary for optimal operation of ~~such~~ these programs in local school administrative units.

Every State and local department, division, unit or agency covered by this section is hereinafter referred to as a `local educational agency' unless the text of this Article otherwise provides.

(b) The Board shall make and keep current a plan for the implementation of the policy set forth in G.S. 115C-106(b). The plan shall include:

(1) A census of the children with special needs in the State, as required by subsection (j) of this section;

(2) A procedure for diagnosis and evaluation of each ~~such~~ child;

(3) An inventory of the personnel and facilities available to provide special education for ~~such~~ these children;

(4) An analysis of the present distribution of responsibility for special education between State and local educational agencies, together with recommendations for any necessary or desirable changes in the distribution of responsibilities;

(5) Standards for the education of children with special needs;

(6) Programs and procedures for the development and implementation of a comprehensive system of personnel development; and

(7) Any additional matters, including recommendations for amendment of laws, changes in administrative regulations, rules and practices and patterns of special organization, and changes in levels and patterns of education financial support.

(c) The Board shall annually submit amendments to or revisions of the plan required by subsection (b) to the Governor and General Assembly and make it available for public comment pursuant to subdivision (1) and for public distribution no less than 30 days before January 15 of each year. All such submissions shall set forth in detail the progress made in the implementation of the plan.

(d) The Board shall adopt rules ~~or regulations~~ covering:

(1) The qualifications of and standards for certification of teachers, teacher assistants, speech clinicians, school psychologists, and others involved in the education and training of children with special needs;

(2) Minimum standards for the individualized educational program for all children with special needs other than for the pregnant children, and for the educational program for the pregnant children, who receive special education and related services; and

(3) ~~Such~~ Any other rules ~~or regulations~~ as may be necessary or appropriate for carrying out the purposes of this Article. Representatives from the Departments of Health and Human

Services and Correction and the Office of Juvenile Justice shall be involved in the development of the standards outlined under this subsection.

(e) On or before October 15, each local educational agency shall report annually to the Board the extent to which it is then providing special education for children with special needs. The annual report also shall detail the means by which the local educational agency proposes to secure full compliance with the policy of this Article, including the following:

(1) A statement of the extent to which the required education and services will be provided directly by the agency;

(2) A statement of the extent to which standards in force pursuant to G.S. 115C-110(b)(5) and (d)(2) are being met by the agency; and

(3) The means by which the agency will contract to provide, at levels meeting standards in force pursuant to G.S. 115C-110(b)(5) and (d)(2), all special education and related services not provided directly by it or by the State.

(f) After submitting the report required by subsection (e), the local educational agency also shall submit such supplemental and additional reports as the Board may require to keep the local educational agency's plan current.

(g) By ~~rule or regulation,~~ rule, the Board shall prescribe due dates not later than October 15 of each year, and all other necessary or appropriate matters relating to ~~such~~ these annual and supplemental and additional reports.

(h) The annual report shall be a two-year plan for providing appropriate special education and related services to children with special needs. The agency shall submit the plan to the Board for its review, approval, modification, or disapproval. Unless thereafter modified with approval of the Board, the plan shall be adhered to by the local educational agency. The procedure for approving, disapproving, establishing, and enforcing the plan shall be the same as that set forth for the annual plan. The long-range plan shall include such provisions as may be appropriate for the following, without limitation:

(1) Establishment of classes, other programs of instruction, curricula, facilities, equipment, and special services for children with special needs; and

(2) Utilization and professional development of teachers and other personnel working with children with special needs.

(i) Each local educational agency shall provide free appropriate special education and related services in accordance with the provisions of this Article for all children with special needs who are residents of, or whose parents or guardians are residents of, the agency's district, beginning with children aged five. No matriculation or tuition fees or other fees or charges shall be required or asked of children with special needs or their parents or

guardians except ~~such~~ those fees or charges as are required uniformly of all public school pupils. The provision of free appropriate special education within the facilities of the Department of Health and Human Services and the Office of Juvenile Justice shall not prevent that Department and Office from charging for other services or treatment.

(j) The Board shall require an annual census of children with special needs, subdivided for 'identified' and 'suspected' children with special needs, to be taken in each school year. Suspected children are those in the formal process of being identified, evaluated or diagnosed as children with special needs. The census shall be conducted annually and shall be completed not later than October 15, and shall be submitted to the Governor and General Assembly and be made available to the public no later than January 15 annually.

In taking the census, the Board shall require the cooperation, participation, and assistance of all local educational agencies and all other State and local governmental departments and agencies providing or required to provide special education services to children with special needs, and those departments and agencies shall cooperate and participate with and assist the Board in conducting the census.

The census shall include the number of children identified and suspected with special needs, their age, the nature of their disability, their county or city of residence, their local school administrative unit residence, whether they are being provided special educational or related services and if so by what department or agency, whether they are not being provided special education or related services, the identity of each department or agency having children with special needs in its care, custody, management, jurisdiction, control, or programs, the number of children with special needs being served by each department or agency, and such other information or data as the Board shall require. The census shall be of children with special needs between the ages of three and 21, inclusive.

(k) The Department shall monitor the effectiveness of individualized education programs in meeting the educational needs of all children with special needs other than pregnant children, and of educational programs in meeting the educational needs of the pregnant children.

(l) The Board shall provide for procedures assuring that in carrying out the requirements of this Article procedures are established for consultation with individuals involved in or concerned with the education of children with special needs, including parents or guardians of such children, and there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to the adoption of the policies, procedures, and rules or regulations required by this Article.

(m) Children with special needs shall be educated in the least restrictive appropriate setting, as defined by the State Board of Education."

(h) G.S. 115C-111 reads as rewritten:

"**§ 115C-111. Free appropriate education for all children with special needs.**

No child with special needs between the ages specified by G.S. 115C-109 shall be denied a free appropriate public education or be prevented from attending the public schools of the local educational agency in which he or his parents or legal guardian resides or from which he receives services or from attending any other public program of free appropriate public education because he is a child with special needs. If it appears that a child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human ~~Services,~~ Services or the Office of Juvenile Justice, the local educational agency shall confer with the appropriate Department of Health and Human Services or Office of Juvenile Justice staff for their participation and determination of the appropriateness of placement in said program and development of the child's individualized education program. The individualized education program may then be challenged under the due process provisions of G.S. 115C-116. Every child with special needs shall be entitled to attend ~~such~~ these nonresidential schools or programs and receive from them free appropriate public education."

(i) G.S. 115C-113(f) reads as rewritten:

"(f) Each local educational agency shall prepare individualized educational programs for all children found to be children with special needs other than the pregnant children, and educational programs prescribed in subsection (h) of this section for the pregnant children. The individualized educational program shall be developed in conformity with Public Law 94-142 and the implementing regulations issued by the United States Department of Education and shall be implemented in conformity with timeliness set by that Department. The term `individualized educational program' means a written statement for each such child developed in any meeting by a representative of the local educational agency who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of such children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall be based on rules developed by the Board. Each local educational agency shall establish, or revise, whichever is appropriate, the individualized educational program of each child with special needs each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually. In the facilities and programs of the Department of Health and Human ~~Services,~~ Services and the Office of Juvenile Justice, the individualized educational program shall be planned in collaboration with those other individuals responsible for the design of the total treatment or habilitation plan or both; the resulting educational, treatment, and habilitation plans shall be coordinated, integrated, and internally consistent."

(j) G.S. 115C-113.1 reads as rewritten:

"**§ 115C-113.1. Surrogate parents.**

In the case of a child whose parent or guardian is unknown, whose whereabouts cannot be determined after reasonable investigation, or who is a ward of the State, the local educational agency shall appoint a surrogate parent for the child. The surrogate parent shall be appointed from a group of persons approved by the Superintendent of Public ~~Instruction and~~ Instruction, the Secretary of Health and Human Services, and the Office of Juvenile Justice, but in no case shall the person appointed be an employee of the local educational agency or directly involved in the education or care of the child. The Superintendent shall ensure that local educational agencies appoint a surrogate parent for every child in need of a surrogate parent."

(k) G.S. 115C-115 reads as rewritten:

"**§ 115C-115. Placements in private schools, out-of-state schools and schools in other local educational agencies.**

The board shall adopt rules and regulations to assure that:

(1) There be no cost to the parents or guardian for the placement of a child in a private school, out-of- state school or a school in another local education agency if the child was so placed by the Board or by the appropriate local educational agency as the means of carrying out the requirement of this Article or any other applicable law requiring the provision of special education and related services to children within the State.

(2) No child shall be placed by the Board or by the local educational agency in a private or out-of- state school unless the Board has determined that the school meets standards that apply to State and local educational agencies and that the child so placed will have all the rights he would have if served by a State or local educational agency.

(3) If the placement of the child in a private school, out-of-state school or a school in another local educational agency determined by the Superintendent of Public Instruction to be the most cost-effective way to provide an appropriate education to that child and the child is not currently being educated by the Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, or the Department of Correction, the State will bear a portion of the cost of the placement of the child. The local school administrative unit shall pay an amount equal to what it receives per pupil from the State Public School Fund and from other State and federal funds for children with special needs for that child. The State shall pay the full cost of any remainder up to a maximum of fifty percent (50%) of the total cost."

(l) G.S. 115C-121(b) reads as rewritten:

"(b) The Council shall consist of ~~18~~ 23 members to be appointed as follows: five ex officio members; two members appointed by the Governor; two members of the Senate appointed by the President Pro Tempore; two members of the House of Representatives appointed by the Speaker of the House; and 12 members appointed by the State Board of Education. Of those members of the Council appointed by the State Board one member shall be selected from each congressional district within the State, and the members so selected shall be composed of at least one person representing each of the following: handicapped individuals, parents or guardians of children with special needs, teachers of children with special needs, and State and local education officials and administrators of programs for children with special needs. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The board shall promulgate rules or regulations to carry out this subsection.

Ex officio members of the Council shall be the following:

(1) The Secretary of the Department of Health and Human Services or the Secretary's designee;

(1a) A representative of the Office of Juvenile Justice, appointed by the Governor;

(2) The Secretary of the Department of Correction or the Secretary's designee;

(3) A representative from The University of North Carolina Planning Consortium for Children with Special Needs; and

(4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education shall be for two years. The term for members appointed by the State Board of Education shall be for four years. No person shall serve more than two consecutive four-year terms. The initial term of office of the person appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly."

(m) G.S. 115C-139(a) reads as rewritten:

"(a) The Board, any two or more local educational agencies and any such agency and any State department, agency, or division having responsibility for the education, treatment or habilitation of children with special needs are authorized to enter into interlocal cooperation undertakings pursuant to the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes or into undertakings with a State agency such as the Office of Juvenile Justice or the Departments of Public Instruction, Health and Human Services, or Correction, or their divisions, agencies, or units, for the purpose of providing for the special education and related services,

treatment or habilitation of such children within the jurisdiction of the agency or unit, and shall do so when it itself is unable to provide the appropriate public special education or related services for ~~such~~ these children. In entering into such undertakings, the local agency and State department, agency, or division shall also contract to provide the special education or related services that are most educationally appropriate to the children with special needs for whose benefit the undertaking is made, and provide ~~such~~ these services by or in the local agency unit or State department, agency, or division located in the place most convenient to ~~such~~ these children."

(n) G.S. 115C-250(a) reads as rewritten:

"(a) The State Board of Education and local boards of education may expend public funds for transportation of handicapped children with special needs who are unable because of their handicap to ride the regular school buses and who have been placed in programs by a local school board as a part of its duty to provide such children with a free appropriate education, including its duty under G.S. 115C-115. At the option of the local board of education with the concurrence of the State Board of Education, funds appropriated to the State Board of Education for contract transportation of exceptional children may be used to purchase buses and minibuses as well as for the purposes authorized in the budget. The State Board of Education shall adopt rules and regulations concerning the construction and equipment of these buses and minibuses.

The Department of Health and Human ~~Services~~ Services, the Office of Juvenile Justice, and the Department of Correction may also expend public funds for transportation of handicapped children with special needs who are unable because of their handicap to ride the regular school buses and who have been placed in programs by one of these agencies as a part of that agency's duty to provide such children with a free appropriate public education.

If a local area mental health center places a child with special needs in an educational program, the local area mental health center shall pay for the transportation of the child, if handicapped and unable because of the handicap to ride the regular school buses, to the program."

(o) G.S. 115C-325(p) reads as rewritten:

"(p) Section Applicable to Certain Institutions. -- Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Correction or the Office of Juvenile Justice regardless of the age of the students."

(p) G.S. 115D-1 reads as rewritten:

"**§ 115D-1. Statement of purpose.**

The purposes of this Chapter are to provide for the establishment, organization, and administration of a system of educational institutions

throughout the State offering courses of instruction in one or more of the general areas of two-year college parallel, technical, vocational, and adult education programs, to serve as a legislative charter for such institutions, and to authorize the levying of local taxes and the issuing of local bonds for the support thereof. The major purpose of each and every institution operating under the provisions of this Chapter shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools, provided, juveniles of any age committed to the ~~Division of Youth Services of the Department of Health and Human Services~~ Office of Juvenile Justice by a court of competent jurisdiction may, if approved by the director of the training school to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission."

(q) G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; provided, however, that the State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate, for training courses for volunteer firemen, local fire department personnel, volunteer rescue and lifesaving department personnel, local rescue and lifesaving department personnel, Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency, local law-enforcement officers, patients in State alcoholic rehabilitation centers, all full-time custodial employees of the Department of Correction, employees of the Department's Division of Adult Probation and Parole and employees of the ~~Division of Youth Services of the Department of Health and Human Services~~ Office of Juvenile Justice required to be certified pursuant to Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission, trainees enrolled in courses conducted under the New and Expanding Industry Program, clients of sheltered workshops, clients of adult developmental activity programs, students in Health and Human Services Development Programs, juveniles of any age

committed to the ~~Division of Youth Services of the Department of Health and Human Services~~ Office of Juvenile Justice by a court of competent jurisdiction, prison inmates, and members of the North Carolina State Defense Militia as defined in G.S. 127A-5 and as administered pursuant to Article 5 of Chapter 127A of the General Statutes. Provided further, tuition shall be waived for senior citizens attending institutions operating pursuant to this Chapter as set forth in Chapter 115B of the General Statutes, Tuition Waiver for Senior Citizens. Provided further, tuition shall also be waived for all courses taken by high school students at community colleges in accordance with G.S. 115D-20(4) and this section."

(r) G.S. 122C-3(13a) reads as rewritten:

"(13a) 'Eligible assaultive and violent children' means children who are citizens of North Carolina and:

a. Who suffer from emotional, mental, or neurological handicaps that have been accompanied by behavior that is characterized as violent or assaultive; and

b. Who are involuntarily institutionalized or otherwise placed in residential programs, including:

1. Minors who are mentally ill as defined by G.S. 122C-3(21) and who are admitted for evaluation or treatment to a treatment facility under Article 5 of Chapter 122C of the General Statutes or are presented for admission and denied due to their behaviors or handicapping conditions;
2. Minors who are referred to an area mental health, developmental disabilities, and substance abuse authority pursuant to ~~G.S. 7A-647(3)~~ G.S. 7B-903 for whom residential treatment or placement is recommended;
3. Minors who are placed in residential programs as a condition of probation pursuant to ~~G.S. 7A-649(8);~~ G.S. 7B-2506;
4. Minors who are ordered to a professional residential treatment program pursuant to ~~G.S. 7A-649(6);~~ G.S. 7B-2506; and
5. Minors committed to the custody of the ~~Division of Youth Services~~ Office of Juvenile Justice, pursuant to ~~G.S. 7A-649(10);~~ G.S. 7B-2506; and

c. For whom the State has not provided appropriate treatment and educational programs."

(s) G.S. 122C-113(b1) reads as rewritten:

"(b1) The Secretary shall cooperate with the State Board of Education and the Office of Juvenile Justice in coordinating the responsibilities of the Department of Health and Human Services, the State Board of Education, the Office of Juvenile Justice, and the Department of Public Instruction for adolescent substance abuse programs. The Department of Health and Human Services, through its Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in cooperation with the Office of Juvenile Justice, shall be responsible for intervention and treatment in non-school based programs. The State Board of Education and the Department of Public ~~Instruction~~ Instruction, in consultation with the Office of Juvenile Justice, shall have primary responsibility for in-school education, identification, and intervention services, including student assistance programs."

(t) G.S. 122C-117(a) reads as rewritten:

"(a) The area authority shall:

(1) Engage in comprehensive planning, budgeting, implementing, and monitoring of community-based mental health, developmental disabilities, and substance abuse services;

(2) Provide services to clients in the catchment ~~area;~~ area, including clients committed to the custody of the Office of Juvenile Justice;

(3) Determine the needs of the area authority's clients and coordinate with the Secretary and with the Office of Juvenile Justice the provision of services to clients through area and State facilities;

(4) Develop plans and budgets for the area authority subject to the approval of the Secretary;

(5) Assure that the services provided by the area authority meet the rules of the Commission and Secretary;

(6) Comply with federal requirements as a condition of receipt of federal grants; and

(7) Appoint an area director, chosen through a search committee on which the Secretary of the Department of Health and Human Services or the Secretary's designee serves as a nonvoting member."

(u) G.S. 143-138(g) reads as rewritten:

"(g) Publication and Distribution of Code. -- The Building Code Council shall cause to be printed, after adoption by the Council, the North Carolina State Building Code and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor	1
Lieutenant Governor	1
Auditor	1
Treasurer	1
Secretary of State	1
Superintendent of Public Instruction	1
Attorney General (Library)	1
Commissioner of Agriculture	1
Commissioner of Labor	1
Commissioner of Insurance	1
Department of Environment and Natural Resources	1
Department of Health and Human Services	1
Office of Juvenile Justice	1
Board of Transportation	1
Utilities Commission	1
Department of Administration	1
Clerk of the Supreme Court	1
Clerk of the Court of Appeals	1
Clerk of the Superior Court	1 each
Department of Cultural Resources [State Library]	5
Supreme Court Library	2
Legislative Library	1
Schools	
All state-supported colleges and universities in the State of North Carolina	*1 each
Local Officials	
Clerks of the Superior Courts	1 each
Chief Building Inspector of each incorporated municipality or county	1

In addition, the Building Code Council shall make additional copies available at such price as it shall deem reasonable to members of the general public."

(v) G.S. 143B-138.1(a) reads as rewritten:

"(a) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, committees, or subunits of the Department of Human Resources are transferred to and vested in the Department of Health and Human Services by a Type I transfer, as defined in G.S. 143A-6:

(1) Division of Aging.

(2) Division of Services for the Blind.

(3) Division of Medical Assistance.
(4) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
(5) Division of Social Services.
(6) Division of Facility Services.
(7) Division of Vocational Rehabilitation.
~~(8) Division of Youth Services.~~
(9) Division of Services for the Deaf and the Blind.
(10) Office of Economic Opportunity.
(11) Division of Child Development.
(12) Office of Rural Health."

(w) G.S. 143B-150.7(b) reads as rewritten:

"(b) The Committee shall have 24 members appointed for staggered four-year terms and until their successors are appointed and qualify. The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of G.S. 143B-13. Members may succeed themselves for one term and may be appointed again after being off the Committee for one term. Six of the members shall be legislators appointed by the General Assembly, three of whom shall be recommended by the Speaker of the House of Representatives, and three of whom shall be recommended by the President Pro Tempore of the Senate. Two of the members shall be appointed by the General Assembly from the public at large, one of whom shall be recommended by the Speaker of the House of Representatives, and one of whom shall be recommended by the President Pro Tempore of the Senate. The remainder of the members shall be appointed by the Governor as follows:

(1) ~~Five~~ Four members representing the Department of Health and Human Services, one of whom shall be the Assistant Secretary for Children and Family, one of whom shall represent the Division of Social Services, ~~one of whom shall represent the Division of Youth Services,~~ one of whom shall represent the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and one of whom shall represent the Division of Maternal and Child Health;

(1a) One member representing the Office of Juvenile Justice;

(2) Two members, one from each of the following: the Administrative Office of the Courts and the Department of Public Instruction;

(3) One member who represents the Juvenile Justice Planning Committee of the Governor's Crime Commission, and one member appointed at large;

(4) One member who is a district court judge certified by the Administrative Office of the Courts to hear juvenile cases;

(5) One member representing the schools of social work of The University of North Carolina;

(6) Two members, one of whom is a provider of family preservation services, and one of whom is a consumer of family preservation services; and

(7) Three members who represent county-level associations; one of whom represents the Association of County Commissioners, one of whom represents the Association of Directors of Social Services, and one of whom represents the North Carolina Council of Mental Health, Developmental Disabilities, and Substance Abuse Services.

The Secretary of the Department of Health and Human Services shall serve as the Chair of the Committee. The Secretary shall appoint the cochair of the Committee for a two-year term on a rotating basis from among the Committee members who represent the ~~Division of Youth Services,~~ Office of Juvenile Justice, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services."

(x) G.S. 143B-152.6 reads as rewritten:

"**§ 143B-152.6. Cooperation of State and local agencies.**

All agencies of the State and local government, including the Office of Juvenile Justice, departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Health and Human Services, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Health and Human Services, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program."

(y) G.S. 143B-152.14 reads as rewritten:

"**§ 143B-152.14. Cooperation of State and local agencies.**

All agencies of the State and local government, including the Office of Juvenile Justice, departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Health and Human Services, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Health and Human Services, after consultation with the Superintendent of Public Instruction, shall develop a plan for ensuring the cooperation of State agencies and local agencies and encouraging the cooperation of private

entities, especially those receiving State funds, in the coordination and implementation of the program."

(z) G.S. 143B-153(2) reads as rewritten:

"(2) The Social Services Commission shall have the power and duty to establish standards and adopt rules and regulations:

a. For the programs of public assistance established by federal legislation and by Article 2 of Chapter 108A of the General Statutes of the State of North Carolina with the exception of the program of medical assistance established by G.S. 108A-25(b);

b. To achieve maximum cooperation with other agencies of the State and with agencies of other states and of the federal government in rendering services to strengthen and maintain family life and to help recipients of public assistance obtain self-support and self-care;

c. For the placement and supervision of dependent juveniles and of delinquent ~~children~~ juveniles who are placed in the custody of the Office of Juvenile Justice, and payment of necessary costs of foster home care for needy and homeless children as provided by G.S. 108A-48; and

d. For the payment of State funds to private child-placing agencies as defined in G.S. 131D-10.2(4) and residential child care facilities as defined in G.S. 131D-10.2(13) for care and services provided to children who are in the custody or placement responsibility of a county department of social services."

(aa) G.S. 143B-478 reads as rewritten:

"§ 143B-478. Governor's Crime Commission -- creation; composition; terms; meetings, etc.

(a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Commission shall consist of 35 voting members and ~~six~~ five nonvoting members. The composition of the Commission shall be as follows:

(1) The voting members shall be:

a. The Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, and the Superintendent of Public Instruction;

b. A judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney;

c. A defense attorney, three sheriffs (one of whom shall be from a `high crime area'), three police executives (one of whom shall be from a `high crime area'), six citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, one representative of a `private juvenile delinquency program,' and one in the discretion of the Governor), three county commissioners or county officials, and three mayors or municipal officials;

d. Two members of the North Carolina House of Representatives and two members of the North Carolina Senate.

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, ~~the Director of the Division of Youth Services of the Department of Health and Human Services, the Administrator for Juvenile Services of the Administrative Office of the Courts,~~ a representative of the Office of Juvenile Justice, the Director of the Division of Prisons and the Director of the Division of Adult Probation and ~~Paroles.~~ Parole.

(b) The membership of the Commission shall be selected as follows:

(1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Prisons, the Director of the Division of Adult Probation and ~~Paroles,~~ Parole, the Director of the Division of Youth Services, the Administrator for Juvenile Services of the Administrative Office of the Courts, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

(2) The following members shall be appointed by the Governor: the representative of the Office of Juvenile Justice, the district attorney, the defense attorney, the three sheriffs, the three police executives, the six citizens, the three county commissioners or county officials, the three mayors or municipal officials.

(3) The following members shall be appointed by the Governor from a list submitted by the Chief Justice of the Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the judge of superior court, the clerk of superior court, the judge of district court specializing in juvenile matters, and the chief district court judge.

(4) The two members of the House of Representatives provided by subdivision (a)(1)d. of this section shall be appointed by the Speaker of the House of Representatives and the two members of the Senate provided by subdivision (a)(1)d. of this section shall be appointed by the President Pro Tempore of the Senate. These members shall perform the advisory review of the State plan for the General Assembly as permitted by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

(5) The Governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman both of whom shall serve at his pleasure.

(c) The initial members of the Commission shall be those appointed pursuant to subsection (b) above, which appointments shall be made by March 1, 1977. The terms of the present members of the Governor's Commission on Law and Order shall expire on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than those serving by virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The Commission members from the House and Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall not be disqualified from Commission membership because of failure to seek or attain reelection to the General Assembly, but resignation or removal from office as a member of the General Assembly shall constitute resignation or removal from the Commission. Any other Commission member no longer serving in the office from which he qualified for appointment shall be disqualified from membership on the Commission. Any appointment to fill a vacancy on the Commission created

by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(d) The Governor shall have the power to remove any member from the Commission for misfeasance, malfeasance or nonfeasance.

(e) The Commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business."

(bb) G.S. 147-45 reads as rewritten:

"**§ 147-45. Distribution of copies of State publications.**

The Secretary of State shall, at the State's expense, as soon as possible after publication, provide such number of copies of the Session Laws and Senate and House Journals to federal, State, and local governmental officials, departments and agencies, and to educational institutions of instruction and exchange use, as is set out in the table below:

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges	3	1
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture and Consumer Services, Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0

Veterans Affairs Commission	1	0
Environment and Natural Resources,		
Department of	6	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Health and Human Services, Department of	6	0
Mental Health, Developmental Disabilities, and Substance Abuse Services,		
Division of	1	0
Social Services, Division of	3	0
Facilities Services, Division of	1	0
~~Youth Services, Division of~~	~~1~~	~~0~~
Hospitals and Institutions	1 ea.	0
Juvenile Justice, Office of	3	0
Transportation, Department of	1	0
Board of Transportation	3	0
Motor Vehicles, Division of	1	0
Commerce, Department of	1	0
Economic Development, Division of	2	0
State Ports Authority	1	0
Alcoholic Beverage Control Commission,		
North Carolina	2	0
Banking Commission	2	0
Utilities Commission	8	1
Industrial Commission	7	0
Labor Force Development Council	1	0
Milk Commission	5	0
Employment Security Commission	1	1
Correction, Department of	1	0
Department of Correction	2	0
Parole Commission	2	0
State Prison	1	0
Correctional Institutions	1 ea.	0
Cultural Resources, Department of	1	0
Archives and History, Division of	5	1
State Library	5	5
Publications Division	1	1
Crime Control and Public Safety, Department of	2	1
North Carolina Crime Commission	1	0
Adjutant General	2	0
Elections, State Board of	2	0
Office of Administrative Hearings	2	0
State Personnel Commission	1	0
Office of State Personnel	1	1
Legislative Branch		

State Senators	1 ea.	1 ea.
State Representatives	1 ea.	1 ea.
Principal Clerk -- Senate	1	1
Principal Clerk -- House	1	1
Reading Clerk -- Senate	1	1
Reading Clerk -- House	1	1
Sergeant at Arms -- House	1	1
Sergeant at Arms -- Senate	1	1
Enrolling Clerk	1	0
Engrossing Clerk	1	0
Indexer of the Laws	1	0
Legislative Building Library	35	15
Judicial System		
Justices of the Supreme Court	1 ea.	1 ea.
Judges of the Court of Appeals	1 ea.	1 ea.
Judges of the Superior Court	1 ea.	0
Emergency and Special Judges of the Superior Court	1 ea.	0
District Court Judges	1 ea.	0
District Attorneys	1 ea.	0
Clerk of the Supreme Court	1	1
Clerk of the Court of Appeals	1	1
Administrative Office of the Courts	4	1
Supreme Court Library	AS MANY AS REQUESTED	
Colleges and Universities		
The University of North Carolina System Administrative Offices	3	0
University of North Carolina, Chapel Hill	65	25
University of North Carolina, Charlotte	3	1
University of North Carolina, Greensboro	3	1
University of North Carolina, Asheville	2	1
University of North Carolina, Wilmington	2	1
North Carolina State University, Raleigh	5	3
Appalachian State University	2	1
East Carolina University	3	2
Elizabeth City State University	2	1
Fayetteville State University	2	1

North Carolina Agricultural and Technical University	2	1
North Carolina Central University	5	5
Western Carolina University	2	1
University of North Carolina, Pembroke	2	1
Winston-Salem State University	2	1
North Carolina School of the Arts	1	1
Private Institutions		
Duke University	6	6
Davidson College	3	2
Wake Forest University	5	5
Lenoir Rhyne College	1	1
Elon College	1	1
Guilford College	1	1
Campbell University	5	5
Wingate College	1	1
Pfeiffer College	1	1
Barber Scotia College	1	1
Barton College	1	1
Shaw University	1	1
St. Augustine's College	1	1
~~J.~~ Johnson C. Smith University	1	1
Belmont Abbey College	1	1
Bennett College	1	1
Catawba College	1	1
Gardner-Webb College	1	1
Greensboro College	1	1
High Point ~~College~~ University	1	1
Livingstone College	1	1
Mars Hill College	1	1
Meredith College	1	1
Methodist College	1	1
North Carolina Wesleyan College	1	1
Queens College	1	1
Sacred Heart College	1	1
St. Andrews Presbyterian College	1	1
Salem College	1	1
Warren Wilson College	1	1
County and Local Officials		
Clerks of the Superior Court	1 ea.	1 ea.
Register of Deeds	1 ea.	1 ea.
Federal, Out-of-State and Foreign		
Secretary to the President	1	0
Secretary of State	1	1

Secretary of Defense	1	0
Secretary of Agriculture	1	0
Secretary of the Interior	1	0
Secretary of Labor	1	1
Secretary of Commerce	1	1
Secretary of the Treasury	1	0
Secretary of Health, Education and Welfare	1	0
Secretary of Housing and Urban Development	1	0
Secretary of Transportation	1	0
Attorney General	1	0
Postmaster General	1	0
Bureau of Census	1	0
Bureau of Public Roads	1	0
Department of Justice	1	0
Department of Internal Revenue	1	0
Veterans' Administration	1	0
Farm Credit Administration	1	0
Securities and Exchange Commission	1	0
Social Security Board	1	0
Environmental Protection Agency	1	0
Library of Congress	8	2
Federal Judges resident in North Carolina	1 ea.	0
Federal District Attorneys resident in North Carolina	1 ea.	0
Marshal of the United States Supreme Court	1	0
Federal Clerks of Court resident in North Carolina	1 ea.	0
Supreme Court Library exchange list	1 ea.	0

One copy of the Session Laws shall be furnished the head of any department of State government created in the future.

State agencies, institutions, etc., not found in or covered by this list may, upon written request from their respective department head to the Secretary of State, and upon the discretion of the Secretary of State as to need, be issued copies of the Session Laws on a permanent loan basis with the understanding that should said copies be needed they will be recalled."

(cc) G.S. 153A-217 reads as rewritten:

"**§ 153A-217. Definitions.**

Unless otherwise clearly required by the context, the words and phrases defined in this section have the meanings indicated when used in this Part:

(1) 'Commission' means the Social Services Commission.

(2) 'Secretary' means the Secretary of Health and Human Services.

(3) 'Department' means the Department of Health and Human Services.

(4) 'Governing body' means the governing body of a county or city or the policy-making body for a district or regional confinement facility.

(5) 'Local confinement facility' includes a county or city jail, a local lockup, a regional or district jail, a juvenile detention ~~home,~~ facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of persons awaiting trial or serving sentences except that it shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A.

(6) 'Prisoner' includes any person, adult or juvenile, confined or detained in a confinement facility.

(7) 'Unit,' 'unit of local government,' or 'local government' means a county or city."

(dd) G.S. 153A-218 reads as rewritten:

"**§ 153A-218. County confinement facilities.**

A county may establish, acquire, erect, repair, maintain, and operate local confinement facilities and may for these purposes appropriate funds not otherwise limited as to use by law. A juvenile detention facility may be located in the same facility as a county jail provided that the juvenile detention facility meets the requirements of this Article and G.S. 147-33.40."

PART III. RECODIFICATION OF THE JUVENILE CODE

Section 5. Subchapter XI, Articles 41 through 59 of Chapter 7A of the General Statutes, the North Carolina Juvenile Code, Articles 24B and 39 of Chapter 7A of the General Statutes, Articles 2A, 4, 4A, and 10 of Chapter 110 of the General Statutes, Article 62 of Chapter 143 of the General Statutes, and G.S. 7A-289.13 are repealed.

Section 6. The General Statutes are amended by adding a new Chapter to read:

"Chapter 7B.

"Juvenile Code.

"SUBCHAPTER I. ABUSE, NEGLECT, DEPENDENCY.

"ARTICLE 1.

"Purposes; Definitions.

"**§ 7B-100. Purpose.**

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

(1) To provide procedures for the hearing of juvenile cases that assure fairness and equity and that protect the constitutional rights of juveniles and parents;

(2) To develop a disposition in each juvenile case that reflects consideration of the facts, the needs and limitations of the juvenile, and the strengths and weaknesses of the family;

(3) To provide for services for the protection of juveniles by means that respect both the right to family autonomy and the juveniles' needs for safety, continuity, and permanence; and

(4) To provide standards for the removal, when necessary, of juveniles from their homes and for the return of juveniles to their homes consistent with preventing the unnecessary or inappropriate separation of juveniles from their parents.

"**§ 7B-101. Definitions.**

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

(1) Abused juveniles. -- Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;

b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;

c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape as provided in G.S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense as provided in G.S. 14-27.4; second degree sexual offense as provided in G.S. 14-27.5; sexual act by a custodian as provided in G.S. 14-27.7; crime against nature as provided in G.S. 14-177; incest as provided in G.S. 14-178 and G.S. 14-179; preparation of obscene photographs, slides, or motion pictures of the juvenile as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of

obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-190.18; and taking indecent liberties with the juvenile as provided in G.S. 14-202.1, regardless of the age of the parties;

e. Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; or

f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile.

(2) Caretaker. -- Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, or any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility. `Caretaker' also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of this Subchapter only.

(3) Clerk. -- Any clerk of superior court, acting clerk, or assistant or deputy clerk.

(4) Community-based program. -- A program providing nonresidential or residential treatment to a juvenile in the community where the juvenile's family lives. A community-based program may include specialized foster care, family counseling, shelter care, and other appropriate treatment.

(5) Court. -- The district court division of the General Court of Justice.

(6) Custodian. -- The person or agency that has been awarded legal custody of a juvenile by a court.

(7) Dependent juvenile. -- A juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

(8) Director. -- The director of the county department of social services in the county in which the juvenile resides or is found or the director's representative as authorized in G.S. 108A-14.

(9) District. -- Any district court district as established by G.S. 7A-133.

(10) Judge. -- Any district court judge.

(11) Judicial district. -- Any district court district as established by G.S. 7A-133.

(12) Juvenile. -- A person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States.

(13) Neglected juvenile. -- A juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

(14) Petitioner. -- The individual who initiates court action, whether by the filing of a petition or of a motion for review alleging the matter for adjudication.

(15) Prosecutor. -- The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

(16) Reasonable efforts. -- The diligent use of preventive or reunification services by a department of social services when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time.

(17) Safe home. -- A home in which the juvenile is not at substantial risk of physical or emotional abuse or neglect.

(18) Shelter care. -- The temporary care of a juvenile in a physically unrestricting facility pending court disposition.

The singular includes the plural, the masculine singular includes the feminine singular and masculine and feminine plural unless otherwise specified.

"ARTICLE 2.

"Jurisdiction.

"**§ 7B-200. Jurisdiction.**

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be abused, neglected, or dependent. This jurisdiction does not extend to cases involving adult defendants alleged to be guilty of abuse or neglect.

The court also has exclusive original jurisdiction of the following proceedings:

(1) Proceedings under the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter;

(2) Proceedings involving judicial consent for emergency surgical or medical treatment for a juvenile when the juvenile's parent, guardian, custodian, or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court refuses to consent for treatment to be rendered;

(3) Proceedings to determine whether a juvenile should be emancipated;

(4) Proceedings to terminate parental rights;

(5) Proceedings to review the placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and a county department of social services;

(6) Proceedings in which a person is alleged to have obstructed or interfered with an investigation required by G.S. 7B-302; and

(7) Proceedings involving consent for an abortion on an unemancipated minor pursuant to Article 1A, Part 2 of Chapter 90 of the General Statutes.

(b) The court shall have jurisdiction over the parent or guardian of a juvenile who has been adjudicated abused, neglected, or dependent, as provided by G.S. 7B-904, provided the parent or guardian has been properly served with summons pursuant to G.S. 7B-406.

"**§ 7B-201. Retention of jurisdiction.**

When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years or is otherwise emancipated, whichever occurs first.

"ARTICLE 3.

"Screening of Abuse and Neglect Complaints.

"§ 7B-300. Protective services.

The director of the department of social services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent.

Protective services shall include the investigation and screening of complaints, casework, or other counseling services to parents, guardians, or other caretakers as provided by the director to help the parents, guardians, or other caretakers and the court to prevent abuse or neglect, to improve the quality of child care, to be more adequate parents, guardians, or caretakers, and to preserve and stabilize family life.

The provisions of this Article shall also apply to child care facilities as defined in G.S. 110-86.

"§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the director shall notify the State Bureau of Investigation within 24 hours or on the next workday. If sexual abuse in a child care facility is not alleged in the initial report, but during the course of the investigation there is reason to suspect that sexual abuse has occurred, the director shall immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may have occurred in a child care facility, the State Bureau of Investigation may form a task force to investigate the report.

"§ 7B-302. Investigation by director; access to confidential information; notification of person making the report.

When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough

investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect or dependency, the director shall initiate the investigation within 72 hours following receipt of the report. The investigation and evaluation shall include a visit to the place where the juvenile resides. All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department.

When a report of suspected abuse, neglect, or dependency of a juvenile is received, the director of the department of social services shall immediately ascertain if other juveniles remain in the home, and, if so, initiate an investigation in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection.

If the investigation indicates that abuse, neglect, or dependency has occurred, the director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the director shall immediately provide or arrange for protective services. If the parent, guardian, or other caretaker refuses to accept the protective services provided or arranged by the director, the director shall sign a complaint seeking to invoke the jurisdiction of the court for the protection of the juvenile or juveniles.

If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the director shall sign a complaint which alleges the applicable facts to invoke the jurisdiction of the court. Where the investigation shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 5 of this Chapter.

In performing any duties related to the investigation of the complaint or the provision or arrangement for protective services, the director may consult with any public or private agencies or individuals, including the available State or local law enforcement officers who shall assist in the investigation and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director's representative may make a written demand for any information or reports, whether or not confidential, that may in the director's opinion be relevant to the investigation of or the provision for protective services. Upon the director's or the director's representative's request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and

regulations. If a custodian of criminal investigative information or records believes that release of the information will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation, it may seek an order from a court of competent jurisdiction to prevent disclosure of the information. In such an action, the custodian of the records shall have the burden of showing by a preponderance of the evidence that disclosure of the information in question will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation. Actions brought pursuant to this paragraph shall be set down for immediate hearing, and subsequent proceedings in the actions shall be accorded priority by the trial and appellate courts.

Within five working days after receipt of the report of abuse, neglect, or dependency, the director shall give written notice to the person making the report, unless requested by that person not to give notice, as to whether the report was accepted for investigation and whether the report was referred to the appropriate State or local law enforcement agency.

Within five working days after completion of the protective services investigation, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency, whether the county department of social services is taking action to protect the juvenile, and what action it is taking, including whether or not a petition was filed. The person making the report shall be informed of procedures necessary to request a review by the prosecutor of the director's decision not to file a petition. A request for review by the prosecutor shall be made within five working days of receipt of the second notification. The second notification shall include notice that, if the person making the report is not satisfied with the director's decision, the person may request review of the decision by the prosecutor within five working days of receipt. The person making the report may waive the person's right to this notification, and no notification is required if the person making the report does not identify himself to the director.

"**§ 7B-303. Interference with investigation.**

(a) If any person obstructs or interferes with an investigation required by G.S. 7B-302, the director may file a petition naming said person as respondent and requesting an order directing the respondent to cease such obstruction or interference. The petition shall contain the name and date of birth and address of the juvenile who is the subject of the investigation, shall specifically describe the conduct alleged to constitute obstruction of or interference with the investigation, and shall be verified.

(b) For purposes of this section, obstruction of or interference with an investigation means refusing to disclose the whereabouts of the juvenile, refusing to allow the director to have personal access to the juvenile,

refusing to allow the director to observe or interview the juvenile in private, refusing to allow the director access to confidential information and records upon request pursuant to G.S. 7B-302, refusing to allow the director to arrange for an evaluation of the juvenile by a physician or other expert, or other conduct that makes it impossible for the director to carry out the duty to investigate.

(c) Upon filing of the petition, the court shall schedule a hearing to be held not less than five days after service of the petition and summons on the respondent. Service of the petition and summons and notice of hearing shall be made as provided by the Rules of Civil Procedure on the respondent; the juvenile's parent, guardian, custodian, or caretaker; and any other person determined by the court to be a necessary party. If at the hearing on the petition the court finds by clear, cogent, and convincing evidence that the respondent, without lawful excuse, has obstructed or interfered with an investigation required by G.S. 7B-302, the court may order the respondent to cease such obstruction or interference. The burden of proof shall be on the petitioner.

(d) If the director has reason to believe that the juvenile is in need of immediate protection or assistance, the director shall so allege in the petition and may seek an ex parte order from the court. If the court, from the verified petition and any inquiry the court makes of the director, finds probable cause to believe both that the juvenile is at risk of immediate harm and that the respondent is obstructing or interfering with the director's ability to investigate to determine the juvenile's condition, the court may enter an ex parte order directing the respondent to cease such obstruction or interference. The order shall be limited to provisions necessary to enable the director to conduct an investigation sufficient to determine whether the juvenile is in need of immediate protection or assistance. Within 10 days after the entry of an ex parte order under this subsection, a hearing shall be held to determine whether there is good cause for the continuation of the order or the entry of a different order. An order entered under this subsection shall be served on the respondent along with a copy of the petition, summons, and notice of hearing.

(e) The director may be required at a hearing under this section to reveal the identity of any person who made a report of suspected abuse, neglect, or dependency as required by G.S. 7B- 301.

(f) An order entered pursuant to this section is enforceable by civil or criminal contempt as provided in Chapter 5A of the General Statutes.

"§ 7B-304. Evaluation for court.

In all cases in which a petition is filed, the director of the department of social services shall prepare a report for the court containing a home placement plan and a treatment plan deemed by the director to be appropriate to the needs of the juvenile. The report shall be available to the court immediately following the adjudicatory hearing.

"§ 7B-305. Request for review by prosecutor.

The person making the report shall have five working days, from receipt of the decision of the director of the department of social services not to petition the court, to notify the prosecutor that the person is requesting a review. The prosecutor shall notify the person making the report and the director of the time and place for the review, and the director shall immediately transmit to the prosecutor a copy of the investigation report.

"§ 7B-306. Review by prosecutor.

The prosecutor shall review the director's determination that a petition should not be filed within 20 days after the person making the report is notified. The review shall include conferences with the person making the report, the protective services worker, the juvenile, if practicable, and other persons known to have pertinent information about the juvenile or the juvenile's family. At the conclusion of the conferences, the prosecutor may affirm the decision made by the director, may request the appropriate local law enforcement agency to investigate the allegations, or may direct the director to file a petition.

"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law enforcement; notification of Department of Health and Human Services and State Bureau of Investigation.

(a) If the director finds evidence that a juvenile may have been abused as defined by G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the findings to the district attorney or the district attorney's designee and the appropriate local law enforcement agency within 48 hours after receipt of the report. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate and coordinate a criminal investigation with the protective services investigation being conducted by the county department of social services. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate and may request the director or the director's designee to appear before a magistrate.

If the director receives information that a juvenile may have been physically harmed in violation of any criminal statute by any person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall make an immediate oral and subsequent written report of that information to the district attorney or the district attorney's designee and to the appropriate local law enforcement agency within 48 hours after receipt of the information. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate a criminal investigation. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile in child care, the director shall notify the Department of Health and Human Services within 24 hours or on the next working day of receipt of the report.

(b) If the director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7B-101 in a child care facility, the director shall immediately so notify the Department of Health and Human Services and, in the case of sexual abuse, the State Bureau of Investigation, in such a way as does not violate the law guaranteeing the confidentiality of the records of the department of social services.

(c) Upon completion of the investigation, the director shall give the Department written notification of the results of the investigation required by G.S. 7B-302. Upon completion of an investigation of sexual abuse in a child care facility, the director shall also make written notification of the results of the investigation to the State Bureau of Investigation.

The director of the department of social services shall submit a report of alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the central registry under the policies adopted by the Social Services Commission.

"§ 7B-308. Authority of medical professionals in abuse cases.

(a) Any physician or administrator of a hospital, clinic, or other medical facility to which a suspected abused juvenile is brought for medical diagnosis or treatment shall have the right, when authorized by the chief district court judge of the district or the judge's designee, to retain physical custody of the juvenile in the facility when the physician who examines the juvenile certifies in writing that the juvenile who is suspected of being abused should remain for medical treatment or that, according to the juvenile's medical evaluation, it is unsafe for the juvenile to return to the juvenile's parent, guardian, custodian, or caretaker. This written certification must be signed by the certifying physician and must include the time and date that the judicial authority to retain custody is given. Copies of the written certification must be appended to the juvenile's medical and judicial records and another copy must be given to the juvenile's parent, guardian, custodian, or caretaker. The right to retain custody in the facility shall exist for up to 12 hours from the time and date contained in the written certification.

(b) Immediately upon receipt of judicial authority to retain custody, the physician, the administrator, or that person's designee shall so notify the director of social services for the county in which the facility is located. The director shall treat this notification as a report of suspected abuse and shall immediately begin an investigation of the case.

(1) If the investigation reveals (i) that it is the opinion of the certifying physician that the juvenile is in need of medical treatment to cure or alleviate physical distress or to prevent the juvenile from suffering serious physical injury, and (ii) that it is the opinion of the physician that the juvenile should for these reasons remain in the custody of the facility for 12 hours, but (iii) that the juvenile's parent, guardian,

custodian, or caretaker cannot be reached or, upon request, will not consent to the treatment within the facility, the director shall within the initial 12-hour period file a juvenile petition alleging abuse and setting forth supporting allegations and shall seek a nonsecure custody order. A petition filed and a nonsecure custody order obtained in accordance with this subdivision shall come on for hearing under the regular provisions of this Subchapter unless the director and the certifying physician together voluntarily dismiss the petition.

(2) In all cases except those described in subdivision (1) above, the director shall conduct the investigation and may initiate juvenile proceedings and take all other steps authorized by the regular provisions of this Subchapter. If the director decides not to file a petition, the physician, the administrator, or that person's designee may ask the prosecutor to review this decision according to the provisions of G.S. 7B-305 and G.S. 7B-306.

(c) If, upon hearing, the court determines that the juvenile is found in a county other than the county of legal residence, in accord with G.S. 153A-257, the juvenile may be transferred, in accord with G.S. 7B-903(2), to the custody of the department of social services in the county of residence.

(d) If the court, upon inquiry, determines that the medical treatment rendered was necessary and appropriate, the cost of that treatment may be charged to the parents, guardian, custodian, or caretaker, or, if the parents are unable to pay, to the county of residence in accordance with G.S. 7B-903 and G.S. 7B-904.

(e) Except as otherwise provided, a petition begun under this section shall proceed in like manner with petitions begun under G.S. 7B-302.

(f) The procedures in this section are in addition to, and not in derogation of, the abuse and neglect reporting provisions of G.S. 7B-301 and the temporary custody provisions of G.S. 7B-500. Nothing in this section shall preclude a physician or administrator and a director of social services from following the procedures of G.S. 7B-301 and G.S. 7B-500 whenever these procedures are more appropriate to the juvenile's circumstances.

"**§ 7B-309. Immunity of persons reporting and cooperating in an investigation.**

Anyone who makes a report pursuant to this Article, cooperates with the county department of social services in a protective services inquiry or investigation, testifies in any judicial proceeding resulting from a protective services report or investigation, or otherwise participates in the program authorized by this Article, is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that the

person was acting in good faith. In any proceeding involving liability, good faith is presumed.

"§ 7B-310. Privileges not grounds for failing to report or for excluding evidence.

No privilege shall be grounds for any person or institution failing to report that a juvenile may have been abused, neglected, or dependent, even if the knowledge or suspicion is acquired in an official professional capacity, except when the knowledge or suspicion is gained by an attorney from that attorney's client during representation only in the abuse, neglect, or dependency case. No privilege, except the attorney- client privilege, shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial proceeding (civil, criminal, or juvenile) in which a juvenile's abuse, neglect, or dependency is in issue nor in any judicial proceeding resulting from a report submitted under this Article, both as this privilege relates to the competency of the witness and to the exclusion of confidential communications.

"§ 7B-311. Central registry.

The Department of Health and Human Services shall maintain a central registry of abuse, neglect, and dependency cases and child fatalities that are the result of alleged maltreatment that are reported under this Article in order to compile data for appropriate study of the extent of abuse and neglect within the State and to identify repeated abuses of the same juvenile or of other juveniles in the same family. This data shall be furnished by county directors of social services to the Department of Health and Human Services and shall be confidential, subject to policies adopted by the Social Services Commission providing for its use for study and research and for other appropriate disclosure. Data shall not be used at any hearing or court proceeding unless based upon a final judgment of a court of law.

"ARTICLE 4.

"Venue; Petitions.

"§ 7B-400. Venue; pleading.

A proceeding in which a juvenile is alleged to be abused, neglected, or dependent may be commenced in the district in which the juvenile resides or is present. When a proceeding is commenced in a district other than that of the juvenile's residence, the court, on its own motion or upon motion of any party, may transfer the proceeding to the court in the district where the juvenile resides. A transfer under this section may be made at any time.

"§ 7B-401. Pleading and process.

The pleading in an abuse, neglect, or dependency action is the petition. The process in an abuse, neglect, or dependency action is the summons.

"§ 7B-402. Petition.

The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of the juvenile's parent, guardian, or custodian and shall allege the facts which invoke jurisdiction over the juvenile. The petition may contain information on more than one juvenile

when the juveniles are from the same home and are before the court for the same reason.

Sufficient copies of the petition shall be prepared so that copies will be available for each parent if living separate and apart, the guardian, custodian, or caretaker, the guardian ad litem, the social worker, and any person determined by the court to be a necessary party.

"§ 7B-403. Receipt of reports; filing of petition.

(a) All reports concerning a juvenile alleged to be abused, neglected, or dependent shall be referred to the director of the department of social services for screening. Thereafter, if it is determined by the director that a report should be filed as a petition, the petition shall be drawn by the director, verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing.

(b) A decision of the director of social services not to file a report as a petition shall be reviewed by the prosecutor if review is requested pursuant to G.S. 7B-305.

"§ 7B-404. Immediate need for petition when clerk's office is closed.

(a) When the office of the clerk is closed, a magistrate may be authorized by the chief district court judge to draw, verify, and issue petitions as follows:

(1) When the director of the department of social services requests a petition alleging a juvenile to be abused, neglected, or dependent, or

(2) When the director of the department of social services requests a petition alleging the obstruction of or interference with an investigation required by G.S. 7B-302.

(b) The authority of the magistrate under this section is limited to emergency situations when a petition is required in order to obtain a nonsecure custody order or an order under G.S. 7B-303. Any petition issued under this section shall be delivered to the clerk's office for processing as soon as that office is open for business.

"§ 7B-405. Commencement of action.

An action is commenced by the filing of a petition in the clerk's office when that office is open or by the issuance of a juvenile petition by a magistrate when the clerk's office is closed, which issuance shall constitute filing.

"§ 7B-406. Issuance of summons.

(a) Immediately after a petition has been filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons. A copy of the petition shall be attached to each summons.

(b) A summons shall be on a printed form supplied by the Administrative Office of the Courts and shall include:

(1) Notice of the nature of the proceeding;

(2) Notice of any right to counsel and information about how to seek the appointment of counsel prior to a hearing;

(3) Notice that, if the court determines at the hearing that the allegations of the petition are true, the court will conduct a dispositional hearing to consider the needs of the juvenile and enter an order designed to meet those needs and the objectives of the State; and

(4) Notice that the dispositional order or a subsequent order:

a. May remove the juvenile from the custody of the parent, guardian, or custodian.

b. May require that the juvenile receive medical, psychiatric, psychological, or other treatment and that the parent participate in the treatment.

c. May require the parent to undergo psychiatric, psychological, or other treatment or counseling for the purpose of remedying the behaviors or conditions that are alleged in the petition or that contributed to the removal of the juvenile from the custody of that person.

d. May order the parent to pay for treatment that is ordered for the juvenile or the parent.

(c) The summons shall advise the parent that upon service, jurisdiction over that person is obtained and that failure to comply with any order of the court pursuant to G.S. 7B-904 may cause the court to issue a show cause order for contempt.

(d) A summons shall be directed to the person summoned to appear and shall be delivered to any person authorized to serve process.

"**§ 7B-407. Service of summons.**

The summons shall be personally served upon the parent, guardian, custodian, or caretaker, not less than five days prior to the date of the scheduled hearing. The time for service may be waived in the discretion of the court.

If the parent, guardian, custodian, or caretaker entitled to receive a summons cannot be found by a diligent effort, the court may authorize service of the summons and petition by mail or by publication. The cost of the service by publication shall be advanced by the petitioner and may be charged as court costs as the court may direct.

If the parent, guardian, custodian, or caretaker is personally served as herein provided and fails without reasonable cause to appear and to bring the juvenile before the court, the parent, guardian, custodian, or caretaker may be proceeded against as for contempt of court.

"ARTICLE 5.

"Temporary Custody; Nonsecure Custody; Custody Hearings.

"**§ 7B-500. Taking a juvenile into temporary custody.**

Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for nonsecure custody can be obtained. A juvenile may be taken into temporary custody without a court order by a law enforcement officer or a department of social services worker if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order. If a department of social services worker takes a juvenile into temporary custody under this section, the worker may arrange for the placement, care, supervision, and transportation of the juvenile.

"§ 7B-501. Duties of person taking juvenile into temporary custody.

(a) A person who takes a juvenile into custody without a court order under G.S. 7B-500 shall proceed as follows:

(1) Notify the juvenile's parent, guardian, custodian, or caretaker that the juvenile has been taken into temporary custody and advise the parent, guardian, custodian, or caretaker of the right to be present with the juvenile until a determination is made as to the need for nonsecure custody. Failure to notify the parent that the juvenile is in custody shall not be grounds for release of the juvenile.

(2) Release the juvenile to the juvenile's parent, guardian, custodian, or caretaker if the person having the juvenile in temporary custody decides that continued custody is unnecessary.

(3) The person having temporary custody shall communicate with the director of the department of social services who shall consider prehearing diversion. If the decision is made to file a petition, the director shall contact the judge or person delegated authority pursuant to G.S. 7B-502 for a determination of the need for continued custody.

(b) A juvenile taken into temporary custody under this Article shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless:

(1) A petition or motion for review has been filed by the director of the department of social services, and

(2) An order for nonsecure custody has been entered by the court.

"§ 7B-502. Authority to issue custody orders; delegation.

In the case of any juvenile alleged to be within the jurisdiction of the court, the court may order that the juvenile be placed in nonsecure custody pursuant to criteria set out in G.S. 7B-503 when custody of the juvenile is necessary.

Any district court judge shall have the authority to issue nonsecure custody orders pursuant to G.S. 7B-503. The chief district court judge may

delegate the court's authority to persons other than district court judges by administrative order which shall be filed in the office of the clerk of superior court. The administrative order shall specify which persons shall be contacted for approval of a nonsecure custody order pursuant to G.S. 7B-503.

"§ 7B-503. Criteria for nonsecure custody.

When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and

(1) The juvenile has been abandoned; or

(2) The juvenile has suffered physical injury or sexual abuse; or

(3) The juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, custodian, or caretaker has created the conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection; or

(4) The juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the medical treatment; or

(5) The parent, guardian, custodian, or caretaker consents to the nonsecure custody order; or

(6) The juvenile is a runaway and consents to nonsecure custody.

A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody only when there is a reasonable factual basis to believe that there are no other reasonable means available to protect the juvenile. In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody.

"§ 7B-504. Order for nonsecure custody.

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to assume custody of the juvenile and to make due return on the order. A copy of the order shall be given to the juvenile's parent, guardian, custodian, or caretaker by the official executing the order.

An officer receiving an order for custody which is complete and regular on its face may execute it in accordance with its terms. The officer is not required to inquire into the regularity or continued validity of the order and shall not incur criminal or civil liability for its due service.

"§ 7B-505. Place of nonsecure custody.

A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure custody with the department of social services or a person designated in the order for temporary residential placement in:

(1) A licensed foster home or a home otherwise authorized by law to provide such care; or

(2) A facility operated by the department of social services; or

(3) Any other home or facility approved by the court and designated in the order.

In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative. Prior to placement of a juvenile with a relative outside of this State, the placement must be in accordance with the Interstate Compact on the Placement of Children, Article 38 of this Chapter.

"§ 7B-506. Hearing to determine need for continued nonsecure custody.

(a) No juvenile shall be held under a nonsecure custody order for more than seven calendar days without a hearing on the merits or a hearing to determine the need for continued custody. A hearing on nonsecure custody conducted under this subsection may be continued for up to 10 business days with the consent of the juvenile's parent, guardian, or custodian and, if appointed, the juvenile's guardian ad litem. In addition, the court may require the consent of additional parties or may schedule the hearing on custody despite a party's consent to a continuance. In every case in which an order has been entered by an official exercising authority delegated pursuant to G.S. 7B-502, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered if such session precedes the expiration of the applicable time period set forth in this subsection: Provided, that if such session does not precede the expiration of the time period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered.

(b) At a hearing to determine the need for continued custody, the court shall receive testimony and shall allow the guardian ad litem, or juvenile, and the juvenile's parent, guardian, or custodian an opportunity to introduce evidence, to be heard in the person's own behalf, and to examine witnesses. The State shall bear the burden at every stage of the proceedings to provide clear and convincing evidence that the juvenile's placement in custody is necessary. The court shall not be bound by the usual rules of evidence at such hearings.

(c) The court shall be bound by criteria set forth in G.S. 7B- 503 in determining whether continued custody is warranted.

(d) If the court determines that the juvenile meets the criteria in G.S. 7B-503 and should continue in custody, the court shall issue an order to that effect. The order shall be in writing with appropriate findings of fact. The findings of fact shall include the evidence relied upon in reaching the decision and the purposes which continued custody is to achieve.

(e) If the court orders at the hearing required in subsection (a) of this section that the juvenile remain in custody, a subsequent hearing on continued custody shall be held within seven business days of that hearing, excluding Saturdays, Sundays, and legal holidays, and pending a hearing on the merits, hearings thereafter shall be held at intervals of no more than 30 calendar days.

(f) Hearings conducted under subsection (e) of this section may be waived only with the consent of the juvenile's parent, guardian, or custodian, and, if appointed, the juvenile's guardian ad litem.

The court may require the consent of additional parties or schedule a hearing despite a party's consent to waiver.

(g) Any order authorizing the continued nonsecure custody of a juvenile shall include findings as to whether reasonable efforts have been made to prevent or eliminate the need for placement of the juvenile in custody and may provide for services or other efforts aimed at returning the juvenile promptly to a safe home. A finding that reasonable efforts have not been made shall not preclude the entry of an order authorizing continued custody when the court finds that continued custody is necessary for the protection of the juvenile. Where efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, the court may find that the placement of the juvenile in the absence of such efforts was reasonable. If the court finds through written findings of fact that efforts to eliminate the need for placement of the juvenile in custody clearly would be futile or would be inconsistent with the juvenile's safety and need for a safe, permanent home within a reasonable period of time, then the court shall specify in its order that reunification efforts are not required or order that reunification efforts cease.

(h) At each hearing to determine the need for continued nonsecure custody, the court shall:

(1) Inquire as to the identity and location of any missing parent. The court shall include findings as to the efforts undertaken to locate the missing parent and to serve that parent. The order may provide for specific efforts aimed at determining the identity and location of any missing parent;

(2) Inquire as to whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order temporary placement of the juvenile with the relative. Placement of a juvenile with a

relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter; and

(3) Inquire as to whether there are other juveniles remaining in the home from which the juvenile was removed and, if there are, inquire as to the specific findings of the investigation conducted under G.S. 7B-302 and any actions taken or services provided by the director for the protection of the other juveniles.

"§ 7B-507. Telephonic communication authorized.

All communications, notices, orders, authorizations, and requests authorized or required by G.S. 7B-501, 7B-503, and 7B- 504 may be made by telephone when other means of communication are impractical. All written orders pursuant to telephonic communication shall bear the name and the title of the person communicating by telephone, the signature and the title of the official entering the order, and the hour and the date of the authorization.

"ARTICLE 6.

"Basic Rights.

"§ 7B-600. Appointment of guardian.

In any case when no parent appears in a hearing with the juvenile or when the court finds it would be in the best interests of the juvenile, the court may appoint a guardian of the person for the juvenile. The guardian shall operate under the supervision of the court with or without bond and shall file only such reports as the court shall require. The guardian shall have the care, custody, and control of the juvenile or may arrange a suitable placement for the juvenile and may represent the juvenile in legal actions before any court. The guardian may consent to certain actions on the part of the juvenile in place of the parent including (i) marriage, (ii) enlisting in the armed forces, and (iii) enrollment in school. The guardian may also consent to any necessary remedial, psychological, medical, or surgical treatment for the juvenile. The authority of the guardian shall continue until the guardianship is terminated by court order, until the juvenile is emancipated pursuant to Article 35 of Subchapter IV of this Chapter, or until the juvenile reaches the age of majority.

"§ 7B-601. Appointment and duties of guardian ad litem.

(a) When in a petition a juvenile is alleged to be abused or neglected, the court shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the court may appoint a guardian ad litem to represent the juvenile. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 12 of this Chapter unless representation is otherwise provided pursuant to G.S. 7B-1202 or G.S. 7B-1203. The appointment shall terminate at the end of two years. The court

may reappoint the guardian ad litem pursuant to a showing of good cause upon motion of any party, including the guardian ad litem, or of the court. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the juvenile's legal rights through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the juvenile. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional hearing; and to protect and promote the best interests of the juvenile until formally relieved of the responsibility by the court.

(b) The court may order the department of social services or the guardian ad litem to conduct follow-up investigations to ensure that the orders of the court are being properly executed and to report to the court when the needs of the juvenile are not being met. The court may also authorize the guardian ad litem to accompany the juvenile to court in any criminal action wherein the juvenile may be called on to testify in a matter relating to abuse.

(c) The court may grant the guardian ad litem the authority to demand any information or reports, whether or not confidential, that may in the guardian ad litem's opinion be relevant to the case. Neither the physician-patient privilege nor the husband- wife privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.

"§ 7B-602. Parent's right to counsel.

In cases where the juvenile petition alleges that a juvenile is abused, neglected, or dependent, the parent has the right to counsel and to appointed counsel in cases of indigency unless that person waives the right. In no case may the court appoint a county attorney, prosecutor, or public defender.

"§ 7B-603. Payment of court-appointed attorney or guardian ad litem.

An attorney or guardian ad litem appointed pursuant to G.S. 7B- 601 or G.S. 7B-602 pursuant to any other provision of the Juvenile Code shall be paid a reasonable fee fixed by the court in the same manner as fees for attorneys appointed in cases of indigency or by direct engagement for specialized guardian ad litem services through the Administrative Office of the Courts. The court may require payment of the attorney or guardian ad litem fee from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2, and 7A-450.3. In no event shall the parent or guardian be required to pay the fees for a court- appointed attorney or guardian ad litem

in an abuse, neglect, or dependency proceeding unless the juvenile has been adjudicated to be abused, neglected, or dependent, or, in a proceeding to terminate parental rights, unless the parent's rights have been terminated. A person who does not comply with the court's order of payment may be punished for contempt as provided in G.S. 5A- 21.

"ARTICLE 7.

"Discovery.

"§ 7B-700. Regulation of discovery; protective orders.

(a) Upon written motion of a party and a finding of good cause, the court may at any time order that discovery be denied, restricted, or deferred.

(b) The court may permit a party seeking relief under subsection (a) of this section to submit supporting affidavits or statements to the court for in camera inspection. If, thereafter, the court enters an order granting relief under subsection (a) of this section, the material submitted in camera must be available to the Court of Appeals in the event of an appeal.

"ARTICLE 8.

"Hearing Procedures.

"§ 7B-800. Amendment of petition.

The court may permit a petition to be amended when the amendment does not change the nature of the conditions upon which the petition is based.

"§ 7B-801. Adjudicatory hearing.

The adjudicatory hearing shall be held in the district at such time and place as the chief district court judge shall designate. The court may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted.

"§ 7B-802. Conduct of hearing.

The adjudicatory hearing shall be a judicial process designed to adjudicate the existence or nonexistence of any of the conditions alleged in a petition. In the adjudicatory hearing, the court shall protect the rights of the juvenile and the juvenile's parent to assure due process of law.

"§ 7B-803. Continuances.

The court may, for good cause, continue the hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile.

"§ 7B-804. Rules of evidence.

Where the juvenile is alleged to be abused, neglected, or dependent, the rules of evidence in civil cases shall apply.

"§ 7B-805. Quantum of proof in adjudicatory hearing.

The allegations in a petition alleging abuse, neglect, or dependency shall be proved by clear and convincing evidence.

"**§ 7B-806. Record of proceedings.**

All adjudicatory and dispositional hearings shall be recorded by stenographic notes or by electronic or mechanical means. Records shall be reduced to a written transcript only when timely notice of appeal has been given. The court may order that other hearings be recorded.

"**§ 7B-807. Adjudication.**

If the court finds that the allegations in the petition have been proven by clear and convincing evidence, the court shall so state. If the court finds that the allegations have not been proven, the court shall dismiss the petition with prejudice, and if the juvenile is in nonsecure custody, the juvenile shall be released to the parent, guardian, custodian, or caretaker.

"**§ 7B-808. Predisposition investigation and report.**

The court shall proceed to the dispositional hearing upon receipt of sufficient social, medical, psychiatric, psychological, and educational information. No predisposition report shall be submitted to or considered by the court prior to the completion of the adjudicatory hearing. The court shall permit the guardian ad litem or juvenile to inspect any predisposition report to be considered by the court in making the disposition unless the court determines that disclosure would seriously harm the juvenile's treatment or would violate a promise of confidentiality. Opportunity to offer evidence in rebuttal shall be afforded the guardian ad litem or juvenile, and the juvenile's parent, guardian, or custodian at the dispositional hearing. The court may order counsel not to disclose parts of the report to the guardian ad litem or juvenile, or the juvenile's parent, guardian, or custodian if the court finds that disclosure would seriously harm the treatment of the juvenile or would violate a promise of confidentiality given to a source of information.

"ARTICLE 9.

"Dispositions.

"**§ 7B-900. Purpose.**

The purpose of dispositions in juvenile actions is to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction. If possible, the initial approach should involve working with the juvenile and the juvenile's family in their own home so that the appropriate community resources may be involved in care, supervision, and treatment according to the needs of the juvenile. Thus, the court should arrange for appropriate community-level services to be provided to the juvenile and the juvenile's family in order to strengthen the home situation.

"**§ 7B-901. Dispositional hearing.**

The dispositional hearing may be informal and the court may consider written reports or other evidence concerning the needs of the juvenile. The juvenile and the juvenile's parent, guardian, or custodian shall have an opportunity to present evidence, and they may advise the court concerning the disposition they believe to be in the best interests of the juvenile. The

court may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted.

"§ 7B-902. Consent judgment in abuse, neglect, or dependency proceeding.

Nothing in this Article precludes the court from entering a consent order or judgment on a petition for abuse, neglect, or dependency when all parties are present, the juvenile is represented by counsel, and all other parties are either represented by counsel or have waived counsel, and sufficient findings of fact are made by the court.

"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.

The following alternatives for disposition shall be available to any court exercising jurisdiction, and the court may combine any of the applicable alternatives when the court finds the disposition to be in the best interests of the juvenile:

(1) The court may dismiss the case or continue the case in order to allow the parent or others to take appropriate action.

(2) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may:

a. Require that the juvenile be supervised in the juvenile's own home by the department of social services in the juvenile's county, or by other personnel as may be available to the court, subject to conditions applicable to the parent or juvenile as the court may specify; or

b. Place the juvenile in the custody of a parent, relative, private agency offering placement services, or some other suitable person; or

c. Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. The director may, unless otherwise ordered by the court, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable, or unable to act on behalf of the juvenile, the director may, unless otherwise ordered by the court, arrange for, provide, or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile

placed by a court or the court's designee in the custody or physical custody of a county department of social services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the director shall make reasonable efforts to obtain consent from a parent or guardian of the affected juvenile. If the director cannot obtain such consent, the director shall promptly notify the parent or guardian that care or treatment has been provided and shall give the parent frequent status reports on the circumstances of the juvenile. Upon request of a parent or guardian of the affected juvenile, the results or records of the aforementioned evaluations, findings, or treatment shall be made available to such parent or guardian by the director unless prohibited by G.S. 122C-53(d).

(3) In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile:

a. Upon completion of the examination, the court shall conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other treatment and who should pay the cost of the treatment. The county manager, or such person who shall be designated by the chairman of the county commissioners, of the juvenile's residence shall be notified of the hearing and allowed to be heard. If the court finds the juvenile to be in need of medical, surgical, psychiatric, psychological, or other treatment, the court shall permit the parent or other responsible persons to arrange for treatment. If the parent declines or is unable to make necessary arrangements, the court may order the needed treatment, surgery, or care, and the court may order the parent to pay the cost of the care pursuant to G.S. 7B-904. If the court finds the parent is unable to pay the cost of treatment, the court shall order the county to arrange for treatment of the juvenile and to pay for the cost of the treatment. The county department of social services shall recommend the facility that will provide the juvenile with treatment.

b. If the court believes, or if there is evidence presented to the effect that the juvenile is mentally ill or is developmentally disabled, the court shall refer the juvenile to the area mental health, developmental disabilities, and substance abuse services director for appropriate action. A juvenile shall not be committed directly to a State hospital or mental retardation center; and orders purporting to commit a juvenile directly to a State hospital or mental retardation center except for an examination to determine capacity to proceed shall be void and of no effect. The area mental health, developmental disabilities, and substance abuse director shall be responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs. If institutionalization is determined to be the best service for the juvenile, admission shall be with the voluntary consent of the parent or guardian. If the parent, guardian, or custodian refuses to consent to a mental hospital or retardation center admission after such institutionalization is recommended by the area mental health, developmental disabilities, and substance abuse director, the signature and consent of the court may be substituted for that purpose. In all cases in which a regional mental hospital refuses admission to a juvenile referred for admission by a court and an area mental health, developmental disabilities, and substance abuse director or discharges a juvenile previously admitted on court referral prior to completion of treatment, the hospital shall submit to the court a written report setting out the reasons for denial of admission or discharge and setting out the juvenile's diagnosis, indications of mental illness, indications of need for treatment, and a statement as to the location of any facility known to have a treatment program for the juvenile in question.

"§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or dependent.

(a) If the court orders medical, surgical, psychiatric, psychological, or other treatment pursuant to G.S. 7B-903, the court may order the parent or other responsible parties to pay the cost of the treatment or care ordered.

(b) At the dispositional hearing or a subsequent hearing in the case of a juvenile who has been adjudicated abused, neglected, or dependent, if the

court finds that it is in the best interests of the juvenile for the parent to be directly involved in the juvenile's treatment, the court may order the parent to participate in medical, psychiatric, psychological, or other treatment of the juvenile. The cost of the treatment shall be paid pursuant to G.S. 7B-903.

(c) At the dispositional hearing or a subsequent hearing in the case of a juvenile who has been adjudicated abused, neglected, or dependent, the court may determine whether the best interests of the juvenile require that the parent undergo psychiatric, psychological, or other treatment or counseling directed toward remediating or remedying behaviors or conditions that led to or contributed to the juvenile's adjudication or to the court's decision to remove custody of the juvenile from the parent. If the court finds that the best interests of the juvenile require the parent undergo treatment, it may order the parent to comply with a plan of treatment approved by the court or condition legal custody or physical placement of the juvenile with the parent upon the parent's compliance with the plan of treatment. The court may order the parent to pay the cost of treatment ordered pursuant to this subsection. In cases in which the court has conditioned legal custody or physical placement of the juvenile with the parent upon the parent's compliance with a plan of treatment, the court may charge the cost of the treatment to the county of the juvenile's residence if the court finds the parent is unable to pay the cost of the treatment. In all other cases, if the court finds the parent is unable to pay the cost of the treatment ordered pursuant to this subsection, the court may order the parent to receive treatment currently available from the area mental health program that serves the parent's catchment area.

(d) Whenever legal custody of a juvenile is vested in someone other than the juvenile's parent, after due notice to the parent and after a hearing, the court may order that the parent pay a reasonable sum that will cover, in whole or in part, the support of the juvenile after the order is entered. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(c). If the court places a juvenile in the custody of a county department of social services and if the court finds that the parent is unable to pay the cost of the support required by the juvenile, the cost shall be paid by the county department of social services in whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned or operated by the State or federal government or any subdivision thereof.

(e) Failure of a parent who is personally served to participate in or comply with this section may result in a proceeding for civil contempt.

"§ 7B-905. Dispositional order.

(a) The dispositional order shall be in writing and shall contain appropriate findings of fact and conclusions of law. The court shall state with particularity, both orally and in the written order of disposition, the precise terms of the disposition including the kind, duration, and the person

.who is responsible for carrying out the disposition and the person or agency in whom custody is vested.

(b) A dispositional order under which a juvenile is removed from the custody of a parent or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court shall direct that the review hearing required by G.S. 7B-906 be held within six months of the date of the juvenile's placement in custody and, if practicable, shall set the date and time for the review hearing.

(c) Any order directing placement of a juvenile in foster care shall also contain:

(1) A finding that the juvenile's continuation in or return to the juvenile's home would be contrary to the juvenile's best interests; and

(2) Findings as to whether reasonable efforts have been made to prevent or eliminate the need for placement of the juvenile in foster care. A finding that reasonable efforts were not made shall not preclude entry of a dispositional order authorizing placement in foster care when the court finds that such placement is needed for protection of the juvenile. When efforts to prevent the need for the juvenile's placement are precluded by an immediate threat of harm to the juvenile, the court may find that placement of the juvenile in the absence of such efforts is reasonable.

The order may provide for services or other efforts aimed at returning the juvenile promptly to a safe home. If the court finds through written findings of fact that efforts to eliminate the need for placement of the juvenile in custody clearly would be futile or would be inconsistent with the juvenile's safety and need for a safe, permanent home within a reasonable period of time, the court shall specify in its order that reunification efforts are not required or order that reunification efforts cease.

(d) An order that places a juvenile in the custody of a county department of social services for placement shall specify that the juvenile's placement and care are the responsibility of the county department of social services and that the county department is to provide or arrange for the foster care or other placement of the juvenile.

"**§ 7B-906. Review of custody order.**

(a) In any case where custody is removed from a parent or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court, the court shall conduct a review within six months of the date the order was entered, shall conduct a second review within six months after the first review, and shall conduct subsequent reviews at least every year thereafter. The Director of Social Services shall make timely requests to the clerk to calendar the case at a session of court scheduled for the hearing of juvenile matters within six months of the date the order was entered. The director shall make timely

requests for calendaring subsequent reviews. The clerk shall give 15 days' notice of the review to the parent or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court, the juvenile, if 12 years of age or more, the guardian, foster parent, custodian, or agency with custody, the guardian ad litem, and any other person the court may specify, indicating the court's impending review.

(b) Notwithstanding other provisions of this Article, the court may waive the holding of review hearings required by subsection (a) of this section, may require written reports to the court by the agency or person holding custody in lieu of review hearings, or order that review hearings be held less often than every 12 months, if the court finds by clear, cogent, and convincing evidence that:

(1) The juvenile has resided with a relative or has been in the custody of another suitable person for a period of at least one year;

(2) The placement is stable and continuation of the placement is in the juvenile's best interests;

(3) Neither the juvenile's best interests nor the rights of any party require that review hearings be held every 12 months;

(4) All parties are aware that the matter may be brought before the court for review at any time by the filing of a motion for review or on the court's own motion; and

(5) The court order has designated the relative or other suitable person as the juvenile's permanent caretaker or guardian of the person.

The court may not waive or refuse to conduct a review hearing if a party files a motion seeking the review.

(c) At every review hearing, the court shall consider information from the department of social services, the juvenile, the parent or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court, the custodian, the foster parent, the guardian ad litem, and any public or private agency which will aid it in its review.

In each case the court shall consider the following criteria and make written findings regarding those that are relevant:

(1) Services which have been offered to reunite the family, or whether efforts to reunite the family clearly would be futile or inconsistent with the juvenile's safety and need for a safe, permanent home within a reasonable period of time.

(2) Where the juvenile's return home is unlikely, the efforts which have been made to evaluate or plan for other methods of care.

(3) Goals of the foster care placement and the appropriateness of the foster care plan.

(4) A new foster care plan, if continuation of care is sought, that addresses the role the current foster parent will play in the planning for the juvenile.

(5) Reports on the placements the juvenile has had and any services offered to the juvenile and the parent.

(6) When and if termination of parental rights should be considered.

(7) Any other criteria the court deems necessary.

(d) The court, after making findings of fact, may appoint a guardian of the person for the juvenile pursuant to G.S. 7B-600 or may make any disposition authorized by G.S. 7B-903, including the authority to place the juvenile in the custody of either parent or any relative found by the court to be suitable and found by the court to be in the best interests of the juvenile. If the juvenile is placed in or remains in the custody of the department of social services, the court may authorize the department to arrange and supervise a visitation plan. Except for such visitation, the juvenile shall not be returned to the parent or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court without a hearing at which the court finds sufficient facts to show that the juvenile will receive proper care and supervision. The court may enter an order continuing the placement under review or providing for a different placement as is deemed to be in the best interests of the juvenile. If at any time custody is restored to a parent, the court shall be relieved of the duty to conduct periodic judicial reviews of the placement.

(e) At a hearing designated by the court, but at least within 12 months after the juvenile's placement, a review hearing shall be held under this section and designated as a permanency- planning hearing. The purpose of the hearing shall be to develop a plan to achieve a safe, permanent home for the juvenile within a reasonable period of time. Notice of the hearing shall inform the parties of the purpose of the hearing. At the conclusion of the hearing, if the juvenile is not returned home, the court shall make specific findings as to the best plan of care to achieve a safe, permanent home for the juvenile within a reasonable period of time and shall enter an order consistent with those findings.

(f) The provisions of subsections (b), (c), and (d) of G.S. 7B-905 shall apply to any order entered under this section which continues the foster care placement of a juvenile.

"§ 7B-907. Posttermination of parental rights' placement court review.

(a) The purpose of each placement review is to ensure that every reasonable effort is being made to provide for a permanent placement plan for the juvenile who has been placed in the custody of a county director or licensed child-placing agency, which is consistent with the juvenile's best interests. At each review hearing the court may consider information from the department of social services, the licensed child-placing agency, the

guardian ad litem, the juvenile, the foster parent, and any other person or agency the court determines is likely to aid in the review.

(b) The court shall conduct a placement review not later than six months from the date of the termination hearing when parental rights have been terminated by a petition brought by any person or agency designated in G.S. 7B-1102(2) through (5) and a county director or licensed child-placing agency has custody of the juvenile. The court shall conduct reviews every six months until the juvenile is placed for adoption and the adoption petition is filed by the adoptive parents:

(1) No more than 30 days and no less than 15 days prior to each review, the clerk shall give notice of the review to the juvenile if the juvenile is at least 12 years of age, the legal custodian of the juvenile, the foster parent, the guardian ad litem, if any, and any other person the court may specify. Only the juvenile, if the juvenile is at least 12 years of age, the legal custodian of the juvenile, the foster parent, and the guardian ad litem shall attend the review hearings, except as otherwise directed by the court.

(2) If a guardian ad litem for the juvenile has not been appointed previously by the court in the termination proceeding, the court, at the initial six-month review hearing, may appoint a guardian ad litem to represent the juvenile. The court may continue the case for such time as is necessary for the guardian ad litem to become familiar with the facts of the case.

(c) The court shall consider at least the following in its review:

(1) The adequacy of the plan developed by the county department of social services or a licensed child-placing agency for a permanent placement relative to the juvenile's best interests and the efforts of the department or agency to implement such plan;

(2) Whether the juvenile has been listed for adoptive placement with the North Carolina Adoption Resource Exchange, the North Carolina Photo Adoption Listing Service (PALS), or any other specialized adoption agency; and

(3) The efforts previously made by the department or agency to find a permanent home for the juvenile.

(d) The court, after making findings of fact, shall affirm the county department's or child-placing agency's plans or require specific additional steps which are necessary to accomplish a permanent placement which is in the best interests of the juvenile.

(e) If the juvenile has been placed for adoption prior to the date scheduled for the review, written notice of said placement shall be given to the clerk to be placed in the court file, and the review hearing

shall be cancelled with notice of said cancellation given by the clerk to all persons previously notified.

(f) The process of selection of specific adoptive parents shall be the responsibility of and within the discretion of the county department of social services or licensed child-placing agency. The guardian ad litem may request information from and consult with the county department or child-placing agency concerning the selection process. If the guardian ad litem requests information about the selection process, the county shall provide the information within five days. Any issue of abuse of discretion by the county department or child-placing agency in the selection process must be raised by the guardian ad litem within 10 days following the date the agency notifies the court and the guardian ad litem in writing of the filing of the adoption petition.

"§ 7B-908. Review of agency's plan for placement.

(a) The director of social services or the director of the licensed private child-placing agency shall promptly notify the clerk to calendar the case for review of the department's or agency's plan for the juvenile at a session of court scheduled for the hearing of juvenile matters in any case where:

(1) One parent has surrendered a juvenile for adoption under the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes and the termination of parental rights proceedings have not been instituted against the nonsurrendering parent within six months of the surrender by the other parent, or

(2) Both parents have surrendered a juvenile for adoption under the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes and that juvenile has not been placed for adoption within six months from the date of the more recent parental surrender.

(b) In any case where an adoption is dismissed or withdrawn and the juvenile returns to foster care with a department of social services or a licensed private child-placing agency, then the department of social services or licensed child-placing agency shall notify the clerk, within 30 days from the date the juvenile returns to care, to calendar the case for review of the agency's plan for the juvenile at a session of court scheduled for the hearing of juvenile matters.

(c) Notification of the court required under subsection (a) or (b) of this section shall be by a petition for review. The petition shall set forth the circumstances necessitating the review under subsection (a) or (b) of this section. The review shall be conducted within 30 days following the filing of the petition for review unless the court shall otherwise direct. The court shall conduct reviews every six months until the juvenile is placed for adoption and the adoption petition is filed by the adoptive parents. The

initial review and all subsequent reviews shall be conducted pursuant to G.S. 7B-907.

"**§ 7B-909. Review of voluntary foster care placements.**

(a) The court shall review the placement of any juvenile in foster care made pursuant to a voluntary agreement between the juvenile's parents or guardian and a county department of social services and shall make findings from evidence presented at a review hearing with regard to:

(1) The voluntariness of the placement;

(2) The appropriateness of the placement;

(3) Whether the placement is in the best interests of the juvenile; and

(4) The services that have been or should be provided to the parents, guardian, foster parents, and juvenile, as the case may be, either (i) to improve the placement or (ii) to eliminate the need for the placement.

(b) The court may approve the continued placement of the juvenile in foster care on a voluntary agreement basis, disapprove the continuation of the voluntary placement, or direct the department of social services to petition the court for legal custody if the placement is to continue.

(c) An initial review hearing shall be held not more than 180 days after the juvenile's placement and shall be calendared by the clerk for hearing within such period upon timely request by the director of social services. Additional review hearings shall be held at such times as the court shall deem appropriate and shall direct, either upon its own motion or upon written request of the parents, guardian, foster parents, or director of social services. A juvenile placed under a voluntary agreement between the juvenile's parent or guardian and the county department of social services shall not remain in placement more than 12 months without the filing of a petition alleging abuse, neglect, or dependency.

(d) The clerk shall give at least 15 days' advance written notice of the initial and subsequent review hearings to the parents or guardian of the juvenile, to the juvenile if 12 or more years of age, to the director of social services, and to any other persons whom the court may specify.

"ARTICLE 10.

"Modification and Enforcement of Dispositional Orders; Appeals.

"**§ 7B-1000. Authority to modify or vacate.**

(a) Upon motion in the cause or petition, and after notice, the court may conduct a review hearing to determine whether the order of the court is in the best interests of the juvenile, and the court may modify or vacate the order in light of changes in circumstances or the needs of the juvenile.

(b) In any case where the court finds the juvenile to be abused, neglected, or dependent, the jurisdiction of the court to modify any order or disposition made in the case shall continue during the minority of the

juvenile, until terminated by order of the court, or until the juvenile is otherwise emancipated.

"§ 7B-1001. Right to appeal.

Upon motion of a proper party as defined in G.S. 7B-1002, review of any final order of the court in a juvenile matter under this Article shall be before the Court of Appeals. Notice of appeal shall be given in open court at the time of the hearing or in writing within 10 days after entry of the order. However, if no disposition is made within 60 days after entry of the order, written notice of appeal may be given within 70 days after such entry. A final order shall include:

(1) Any order finding absence of jurisdiction;

(2) Any order which in effect determines the action and prevents a judgment from which appeal might be taken;

(3) Any order of disposition after an adjudication that a juvenile is abused, neglected, or dependent; or

(4) Any order modifying custodial rights.

"§ 7B-1002. Proper parties for appeal.

An appeal may be taken by the guardian ad litem or juvenile, the juvenile's parent, guardian, or custodian, the State or county agency.

"§ 7B-1003. Disposition pending appeal.

Pending disposition of an appeal, the return of the juvenile to the custody of the parent or guardian of the juvenile, with or without conditions, should issue in every case unless the court orders otherwise. For compelling reasons which must be stated in writing, the court may enter a temporary order affecting the custody or placement of the juvenile as the court finds to be in the best interests of the juvenile or the State. The provisions of subsections (b), (c), and (d) of G.S. 7B-905 shall apply to any order entered under this section which provides for the placement or continued placement of a juvenile in foster care.

"§ 7B-1004. Disposition after appeal.

Upon the affirmation of the order of adjudication or disposition of the court by the Court of Appeals or by the Supreme Court in the event of an appeal, the court shall have authority to modify or alter the original order of adjudication or disposition as the court finds to be in the best interests of the juvenile to reflect any adjustment made by the juvenile or change in circumstances during the period of time the appeal was pending. If the modifying order is entered ex parte, the court shall give notice to interested parties to show cause within 10 days thereafter as to why the modifying order should be vacated or altered.

"ARTICLE 11.

"Termination of Parental Rights.

"§ 7B-1100. Legislative intent; construction of Article.

The General Assembly hereby declares as a matter of legislative policy with respect to termination of parental rights:

(1) The general purpose of this Article is to provide judicial procedures for terminating the legal relationship between a juvenile and the juvenile's biological or legal parents when the parents have demonstrated that they will not provide the degree of care which promotes the healthy and orderly physical and emotional well-being of the juvenile.

(2) It is the further purpose of this Article to recognize the necessity for any juvenile to have a permanent plan of care at the earliest possible age, while at the same time recognizing the need to protect all juveniles from the unnecessary severance of a relationship with biological or legal parents.

(3) Action which is in the best interests of the juvenile should be taken in all cases where the interests of the juvenile and those of the juvenile's parents or other persons are in conflict.

(4) This Article shall not be used to circumvent the provisions of Chapter 50A of the General Statutes, the Uniform Child Custody Jurisdiction Act.

"**§ 7B-1101. Jurisdiction.**

The court shall have exclusive original jurisdiction to hear and determine any petition relating to termination of parental rights to any juvenile who resides in, is found in, or is in the legal or actual custody of a county department of social services or licensed child-placing agency in the district at the time of filing of the petition. The court shall have jurisdiction to terminate the parental rights of any parent irrespective of the age of the parent. The parent has the right to counsel and to appointed counsel in cases of indigency unless the parent waives the right. The fees of appointed counsel shall be borne by the Administrative Office of the Courts. In addition to the right to appointed counsel set forth above, a guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to represent a parent in the following cases:

(1) Where it is alleged that a parent's rights should be terminated pursuant to G.S. 7B-1110(6); or

(2) Where the parent is under the age of 18 years.

The fees of the guardian ad litem shall be borne by the Administrative Office of the Courts when the court finds that the respondent is indigent. In other cases the fees of the court- appointed guardian ad litem shall be a proper charge against the respondent if the respondent does not secure private legal counsel. Provided, that before exercising jurisdiction under this Article, the court shall find that it would have jurisdiction to make a child-custody determination under the provisions of G.S. 50A-3. Provided, further, that the clerk of superior court shall have jurisdiction for adoptions under the provisions of G.S. 48- 2-100 and Chapter 48 of the General Statutes generally.

"**§ 7B-1102. Who may petition.**

A petition to terminate the parental rights of either or both parents to his, her, or their minor juvenile may only be filed by:

(1) Either parent seeking termination of the right of the other parent; or

(2) Any person who has been judicially appointed as the guardian of the person of the juvenile; or

(3) Any county department of social services, consolidated county human services agency, or licensed child-placing agency to whom custody of the juvenile has been given by a court of competent jurisdiction; or

(4) Any county department of social services, consolidated county human services agency, or licensed child-placing agency to which the juvenile has been surrendered for adoption by one of the parents or by the guardian of the person of the juvenile, pursuant to G.S. 48-3-701; or

(5) Any person with whom the juvenile has resided for a continuous period of two years or more next preceding the filing of the petition; or

(6) Any guardian ad litem appointed to represent the minor juvenile pursuant to G.S. 7B-601 who has not been relieved of this responsibility and who has served in this capacity for at least one continuous year; or

(7) Any person who has filed a petition for adoption pursuant to Chapter 48 of the General Statutes.

"**§ 7B-1103. Petition.**

The petition shall be verified by the petitioner and shall be entitled `In Re (last name of juvenile)', a minor juvenile; and shall set forth such of the following facts as are known; and with respect to the facts which are unknown the petitioner shall so state:

(1) The name of the juvenile as it appears on the juvenile's birth certificate, the date and place of birth, and the county where the juvenile is presently residing.

(2) The name and address of the petitioner and facts sufficient to identify the petitioner as one entitled to petition under G.S. 7B-1102.

(3) The name and address of the parents of the juvenile. If the name or address of one or both parents is unknown to the petitioner, the petitioner shall set forth with particularity the petitioner's efforts to ascertain the identity or whereabouts of the parent or parents. The information may be contained in an affidavit attached to the petition and incorporated therein by reference.

(4) The name and address of any person appointed as guardian of the person of the juvenile pursuant to the provisions of Chapter 35A of the General Statutes, or of G.S. 7B-600.

(5) The name and address of any person or agency to whom custody of the juvenile has been given by a court of this or any other state; and a copy of the custody order shall be attached to the petition.

(6) Facts that are sufficient to warrant a determination that one or more of the grounds for terminating parental rights exist.

(7) That the petition has not been filed to circumvent the provisions of Chapter 50A of the General Statutes, the Uniform Child Custody Jurisdiction Act.

"**§ 7B-1104. Preliminary hearing; unknown parent.**

(a) If either the name or identity of any parent whose parental rights the petitioner seeks to terminate is not known to the petitioner, the court shall, within 10 days from the date of filing of the petition, or during the next term of court in the county where the petition is filed if there is no court in the county in that 10-day period, conduct a preliminary hearing to ascertain the name or identity of such parent.

(b) The court may, in its discretion, inquire of any known parent of the juvenile concerning the identity of the unknown parent and may appoint a guardian ad litem for the unknown parent to conduct a diligent search for the parent. Should the court ascertain the name or identity of the parent, it shall enter a finding to that effect; and the parent shall be summoned to appear in accordance with G.S. 7B-1105.

(c) Notice of the preliminary hearing need be given only to the petitioner who shall appear at the hearing, but the court may cause summons to be issued to any person directing the person to appear and testify.

(d) If the court is unable to ascertain the name or identity of the unknown parent, the court shall order publication of notice of the termination proceeding and shall specifically order the place or places of publication and the contents of the notice which the court concludes is most likely to identify the juvenile to such unknown parent. The notice shall be published in a newspaper qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and published in the counties directed by the court, once a week for three successive weeks. Provided, further, the notice shall:

(1) Designate the court in which the petition is pending;

(2) Be directed to 'the father (mother) (father and mother) of a male (female) juvenile born on or about .....in
(date)
.....County, ...,
(city)
....., respondent';
(State)

(3) Designate the docket number and title of the case (the court may direct the actual name of the title be eliminated and the words 'In Re Doe' substituted therefor);

(4) State that a petition seeking to terminate the parental rights of the respondent has been filed;

(5) Direct the respondent to answer the petition within 30 days after a date stated in the notice, exclusive of such date, which date so stated shall be the date of first publication of notice and be substantially in the form as set forth in G.S. 1A-1, Rule 4(j1); and

(6) State that the respondent's parental rights to the juvenile will be terminated upon failure to answer the petition within the time prescribed.

Upon completion of the service, an affidavit of the publisher shall be filed with the court.

(e) The court shall issue the order required by subsections (b) and (d) of this section within 30 days from the date of the preliminary hearing unless the court shall determine that additional time for investigation is required.

(f) Upon the failure of the parent served by publication pursuant to subsection (d) of this section to answer the petition within the time prescribed, the court shall issue an order terminating all parental rights of the unknown parent.

"**§ 7B-1105. Issuance of summons.**

(a) Except as provided in G.S. 7B-1104, upon the filing of the petition, the court shall cause a summons to be issued. The summons shall be directed to the following persons or agency, not otherwise a party petitioner, who shall be named as respondents:

(1) The parents of the juvenile;

(2) Any person who has been judicially appointed as guardian of the person of the juvenile;

(3) The custodian of the juvenile appointed by a court of competent jurisdiction;

(4) Any county department of social services or licensed child-placing agency to whom a juvenile has been released by one parent pursuant to Part 7 of Article 3 of Chapter 48 of the General Statutes; and

(5) The juvenile, if the juvenile is 12 years of age or older at the time the petition is filed.

Provided, no summons need be directed to or served upon any parent who has previously surrendered the juvenile to a county department of social services or licensed child-placing agency nor to any parent who has consented to the adoption of the juvenile by the petitioner. The summons shall notify the respondents to file a written answer within 30 days after service of the summons and petition. Service of the summons shall be completed as provided under the procedures established by G.S. 1A-1, Rule

4(j); but the parent of the juvenile shall not be deemed to be under disability even though the parent is a minor.

(b) The summons shall be issued for the purpose of terminating parental rights pursuant to the provisions of subsection (a) of this section and shall include:

(1) The name of the minor juvenile;

(2) Notice that a written answer to the petition must be filed with the clerk who signed the petition within 30 days after service of the summons and a copy of the petition, or the parent's rights may be terminated;

(3) Notice that if they are indigent, the parents are entitled to appointed counsel. The parents may contact the clerk immediately to request counsel;

(4) Notice that this is a new case. Any attorney appointed previously will not represent the parents in this proceeding unless ordered by the court;

(5) Notice that the date, time, and place of the hearing will be mailed by the clerk upon filing of the answer or 30 days from the date of service if no answer is filed; and

(6) Notice of the purpose of the hearing and notice that the parents may attend the termination hearing.

"§ 7B-1106. Failure of respondents to answer.

Upon the failure of the respondents to file written answer to the petition with the court within 30 days after service of the summons and petition, or within the time period established for a defendant's reply by G.S. 1A-1, Rule 4(j1) if service is by publication, the court shall issue an order terminating all parental and custodial rights of the respondent or respondents with respect to the juvenile; provided the court shall order a hearing on the petition and may examine the petitioner or others on the facts alleged in the petition.

"§ 7B-1107. Answer of respondents.

(a) Any respondent may file a written answer to the petition. The answer shall admit or deny the allegations of the petition and shall set forth the name and address of the answering respondent or the respondent's attorney.

(b) If an answer denies any material allegation of the petition, the court shall appoint a guardian ad litem for the juvenile to represent the best interests of the juvenile, unless the petition was filed by the guardian ad litem pursuant to G.S. 7B-1102. A licensed attorney shall be appointed to assist those guardians ad litem who are not attorneys licensed to practice in North Carolina. The appointment, duties, and payment of the guardian ad litem shall be the same as in G.S. 7B-601 and G.S. 7B-603. The court shall conduct a special hearing after notice of not less than 10 days nor more than 30 days to the petitioner, the answering respondent, and the guardian ad litem for the juvenile to determine the issues raised by the petition and answer. Notice of the hearing shall be deemed to have been given upon the

depositing thereof in the United States mail, first-class postage prepaid, and addressed to the petitioner, respondent, and guardian ad litem or their counsel of record, at the addresses appearing in the petition and responsive pleading.

(c) In proceedings under this Article, the appointment of a guardian ad litem shall not be required except, as provided above, in cases in which an answer is filed denying material allegations, or as required under G.S. 7B-1101; but the court may, in its discretion, appoint a guardian ad litem for a juvenile, either before or after determining the existence of grounds for termination of parental rights, in order to assist the court in determining the best interests of the juvenile.

(d) If a guardian ad litem has previously been appointed for the juvenile under G.S. 7B-601, and the appointment of a guardian ad litem could also be made under this section, the guardian ad litem appointed under G.S. 7B-601, and any attorney appointed to assist that guardian, shall also represent the juvenile in all proceedings under this Article and shall have the duties and payment of a guardian ad litem appointed under this section, unless the court determines that the best interests of the juvenile require otherwise.

"**§ 7B-1108. Adjudicatory hearing on termination.**

(a) The hearing on the termination of parental rights shall be conducted by the court sitting without a jury. Reporting of the hearing shall be as provided by G.S. 7A-198 for reporting civil trials.

(b) The court shall inquire whether the juvenile's parents are present at the hearing and, if so, whether they are represented by counsel. If the parents are not represented by counsel, the court shall inquire whether the parents desire counsel but are indigent. In the event that the parents desire counsel but are indigent as defined in G.S. 7A-450(a) and are unable to obtain counsel to represent them, the court shall appoint counsel to represent them. The court shall grant the parents such an extension of time as is reasonable to permit their appointed counsel to prepare their defense to the termination petition. In the event that the parents do not desire counsel and are present at the hearing, the court shall examine each parent and make findings of fact sufficient to show that the waivers were knowing and voluntary. This examination shall be reported as provided in G.S. 7A-198.

(c) The court may, upon finding that reasonable cause exists, order the juvenile to be examined by a psychiatrist, a licensed clinical psychologist, a physician, a public or private agency, or any other expert in order that the juvenile's psychological or physical condition or needs may be ascertained or, in the case of a parent whose ability to care for the juvenile is at issue, the court may order a similar examination of any parent of the juvenile.

(d) The court may for good cause shown continue the hearing for such time as is required for receiving additional evidence, any reports or assessments which the court has requested, or any other information needed in the best interests of the juvenile.

(e) The court shall take evidence, find the facts, and shall adjudicate the existence or nonexistence of any of the circumstances set forth in G.S. 7B-1110 which authorize the termination of parental rights of the respondent.

(f) The burden in such proceedings shall be upon the petitioner and all findings of fact shall be based on clear, cogent, and convincing evidence. No husband-wife or physician-patient privilege shall be grounds for excluding any evidence regarding the existence or nonexistence of any circumstance authorizing the termination of parental rights.

"**§ 7B-1109. Disposition.**

(a) Should the court determine that any one or more of the conditions authorizing a termination of the parental rights of a parent exist, the court shall issue an order terminating the parental rights of such parent with respect to the juvenile unless the court shall further determine that the best interests of the juvenile require that the parental rights of the parent not be terminated.

(b) Should the court conclude that, irrespective of the existence of one or more circumstances authorizing termination of parental rights, the best interests of the juvenile require that rights should not be terminated, the court shall dismiss the petition, but only after setting forth the facts and conclusions upon which the dismissal is based.

(c) Should the court determine that circumstances authorizing termination of parental rights do not exist, the court shall dismiss the petition, making appropriate findings of fact and conclusions.

(d) Counsel for the petitioner shall serve a copy of the termination of parental rights order upon the guardian ad litem for the juvenile, if any, and upon the juvenile if the juvenile is 12 years of age or older.

(e) The court may tax the cost of the proceeding to any party.

"**§ 7B-1110. Grounds for terminating parental rights.**

(a) The court may terminate the parental rights upon a finding of one or more of the following:

(1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court finds the juvenile to be an abused juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the meaning of G.S. 7B-101.

(2) The parent has willfully left the juvenile in foster care for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within 12 months in correcting those conditions which led to the removal of the juvenile. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.

(3) The juvenile has been placed in the custody of a county department of social services, a licensed child-placing

agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition, has willfully failed for such period to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.

(4) One parent has been awarded custody of the juvenile by judicial decree or has custody by agreement of the parents, and the other parent whose parental rights are sought to be terminated has for a period of one year or more next preceding the filing of the petition willfully failed without justification to pay for the care, support, and education of the juvenile, as required by said decree or custody agreement.

(5) The father of a juvenile born out of wedlock has not, prior to the filing of a petition to terminate parental rights:

a. Established paternity judicially or by affidavit which has been filed in a central registry maintained by the Department of Health and Human Services; provided, the court shall inquire of the Department of Health and Human Services as to whether such an affidavit has been so filed and shall incorporate into the case record the Department's certified reply; or

b. Legitimated the juvenile pursuant to provisions of G.S. 49-10 or filed a petition for this specific purpose; or

c. Legitimated the juvenile by marriage to the mother of the juvenile; or

d. Provided substantial financial support or consistent care with respect to the juvenile and mother.

(6) That the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of G.S. 7B-101, and that there is a reasonable probability that such incapability will continue for the foreseeable future. Incapability under this subdivision may be the result of substance abuse, mental retardation, mental illness, organic brain syndrome, or any other similar cause or condition.

(7) The parent has willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of the petition. For the purpose of this subdivision, a juvenile may be willfully abandoned by the juvenile's natural father if the mother of the juvenile had been willfully abandoned by and was living separate and apart from the father at the time of the juvenile's birth, although the father may not have known of such birth; but in any event the juvenile

must be over the age of three months at the time of the filing of the petition.

(b) The burden in such proceedings shall be upon the petitioner to prove the facts justifying such termination by clear and convincing evidence.

"**§ 7B-1111. Effects of termination order.**

An order terminating the parental rights completely and permanently terminates all rights and obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental relationship, except that the juvenile's right of inheritance from the juvenile's parent shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

(1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed child- placing agency and is in the custody of the agency at the time of the filing of the petition, including a petition filed pursuant to G.S. 7B- 1102(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.

(2) Except as provided in subdivision (1) above, upon entering an order terminating the parental rights of one or both parents, the court may place the juvenile in the custody of the petitioner, or some other suitable person, or in the custody of the department of social services or licensed child- placing agency, as may appear to be in the best interests of the juvenile.

"**§ 7B-1112. Appeals; modification of order after affirmation.**

Any juvenile, parent, guardian, custodian, or agency who is a party to a proceeding under this Article may appeal from an adjudication or any order of disposition to the Court of Appeals, provided that notice of appeal is given in open court at the time of the hearing or in writing within 10 days after the hearing. Pending disposition of an appeal, the court may enter a temporary order affecting the custody or placement of the juvenile as the court finds to be in the best interests of the juvenile or the best interests of the State. Upon the affirmation of the order of adjudication or disposition of the court in a juvenile case by the Court of Appeals, or by the Supreme Court in the event of an appeal, the court shall have authority to modify or alter its original order of adjudication or disposition as the court finds to be in the best interests of the juvenile to reflect any adjustment made by the juvenile or change in

circumstances during the period of time the case on appeal was pending, provided that if the modifying order be entered ex parte, the court shall give notice to interested parties to show cause, if any there be, within 10 days thereafter, as to why the modifying order should be vacated or altered.

"ARTICLE 12.

"Guardian ad Litem Program.

"§ 7B-1200. Office of Guardian ad Litem Services established.

There is established within the Administrative Office of the Courts an Office of Guardian ad Litem Services to provide services in accordance with G.S. 7B-601 to abused, neglected, or dependent juveniles involved in judicial proceedings and to assure that all participants in these proceedings are adequately trained to carry out their responsibilities. Each local program shall consist of volunteer guardians ad litem, at least one program attorney, a program coordinator who is a paid State employee, and any clerical staff as the Administrative Office of the Courts in consultation with the local program deems necessary. The Administrative Office of the Courts shall adopt rules and regulations necessary and appropriate for the administration of the program.

"§ 7B-1201. Implementation and administration.

(a) Local Programs. -- The Administrative Office of the Courts shall, in cooperation with each chief district court judge and other personnel in the district, implement and administer the program mandated by this Article. Where a local program has not yet been established in accordance with this Article, the district court district shall operate a guardian ad litem program approved by the Administrative Office of the Courts.

(b) Advisory Committee Established. -- The Director of the Administrative Office of the Courts shall appoint a Guardian ad Litem Advisory Committee consisting of at least five members to advise the Office of Guardian ad Litem Services in matters related to this program. The members of the Advisory Committee shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally.

"§ 7B-1202. Conflict of interest or impracticality of implementation.

If a conflict of interest prohibits a local program from providing representation to an abused, neglected, or dependent juvenile, the court may appoint any member of the district bar to represent the juvenile. If the Administrative Office of the Courts determines that within a particular district court district the implementation of a local program is impractical, or that an alternative plan meets the conditions of G.S. 7B-1203, the Administrative Office of the Courts shall waive the establishment of the program within the district.

"§ 7B-1203. Alternative plans.

A district court district shall be granted a waiver from the implementation of a local program if the Administrative Office of the Courts determines that the following conditions are met:

(1) An alternative plan has been developed to provide adequate guardian ad litem services for every juvenile consistent with the duties stated in G.S. 7B-601; and

(2) The proposed alternative plan will require no greater proportion of State funds than the district court district's abuse and neglect caseload represents to the State's abuse and neglect caseload. Computation of abuse and neglect caseloads shall include such factors as the juvenile population, number of substantiated abuse and neglect reports, number of abuse and neglect petitions, number of abused and neglected juveniles in care to be reviewed pursuant to G.S. 7B-906, nature of the district's district court caseload, and number of petitions to terminate parental rights.

When an alternative plan is approved pursuant to this section, the Administrative Office of the Courts shall retain authority to monitor implementation of the said plan in order to assure compliance with the requirements of this Article and G.S. 7B-601. In any district court district where the Administrative Office of the Courts determines that implementation of an alternative plan is not in compliance with the requirements of this section, the Administrative Office of the Courts may implement and administer a program authorized by this Article.

"§ 7B-1204. Civil liability of volunteers.

Any volunteer participating in a judicial proceeding pursuant to the program authorized by this Article shall not be civilly liable for acts or omissions committed in connection with the proceeding if the volunteer acted in good faith and was not guilty of gross negligence.

"ARTICLE 13.

"Prevention of Abuse and Neglect.

"§ 7B-1300. Purpose.

It is the expressed intent of this Article to make the prevention of abuse and neglect, as defined in G.S. 7B-101, a priority of this State and to establish the Children's Trust Fund as a means to that end.

"§ 7B-1301. Program on Prevention of Abuse and Neglect.

(a) The State Board of Education, through the Department of Public Instruction, shall implement the Program on Prevention of Abuse and Neglect. The Department of Public Instruction, subject to the approval of the State Board of Education, shall provide the staff and support services for implementing this program.

(b) In order to carry out the purposes of this Article:

(1) The Department of Public Instruction shall review applications and make recommendations to the State Board of Education concerning the awarding of contracts under this Article.

(2) The State Board of Education shall contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals to operate community-based educational and service programs designed to prevent the occurrence of abuse and neglect. Every contract entered into by the State Board of Education shall contain provisions that at least twenty-five percent (25%) of the total funding required for a program be provided by the administering organization in the form of in-kind or other services and that a mechanism for evaluation of services provided under the contract be included in the services to be performed. In addition, every proposal to the Department of Public Instruction for funding under this Article shall include assurances that the proposal has been forwarded to the local department of social services for comment so that the Department of Public Instruction may consider coordination and duplication of effort on the local level as criteria in making recommendations to the State Board of Education.

(3) The State Board of Education, with the assistance of the Department of Public Instruction, shall develop appropriate guidelines and criteria for awarding contracts under this Article. These criteria shall include, but are not limited to: documentation of need within the proposed geographical impact area; diversity of geographical areas of programs funded under this Article; demonstrated effectiveness of the proposed strategy or program for preventing abuse and neglect; reasonableness of implementation plan for achieving stated objectives; utilization of community resources including volunteers; provision for an evaluation component that will provide outcome data; plan for dissemination of the program for implementation in other communities; and potential for future funding from private sources.

(4) The State Board of Education, with the assistance of the Department of Public Instruction, shall develop guidelines for regular monitoring of contracts awarded under this Article in order to maximize the investments in prevention programs by the Children's Trust Fund and to establish appropriate accountability measures for administration of contracts.

(5) The State Board of Education shall develop a State plan for the prevention of abuse and neglect for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(c) To assist in implementing this Article, the State Board of Education may accept contributions, grants, or gifts in cash or otherwise from persons, associations, or corporations. All monies received by the State Board of Education from contributions, grants, or gifts and not through appropriation by the General Assembly shall be deposited in the Children's Trust Fund. Disbursements of the funds shall be on the authorization of the State Board of Education or that Board's duly authorized representative. In order to maintain an effective expenditure and revenue control, the funds are subject in all respects to State law and regulations, but no appropriation is required to permit expenditure of the funds.

(d) Programs contracted for under this Article are intended to prevent abuse and neglect of juveniles. Abuse and neglect prevention programs are defined to be those programs and services which impact on juveniles and families before any substantiated incident of abuse or neglect has occurred. These programs may include, but are not limited to:

(1) Community-based educational programs on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, and coping with family stress; and

(2) Community-based programs relating to crisis care, aid to parents, and support groups for parents and their children experiencing stress within the family unit.

(e) No more than twenty percent (20%) of each year's total awards may be utilized for funding State-level programs to coordinate community-based programs.

"§ 7B-1302. Children's Trust Fund.

There is established a fund to be known as the 'Children's Trust Fund,' in the Department of State Treasurer, which shall be funded pursuant to G.S. 161-11.1, and which shall be used by the State Board of Education to fund abuse and neglect prevention programs so authorized by this Article.

"ARTICLE 14.

"North Carolina Child Fatality Prevention System.

"§ 7B-1400. Declaration of public policy.

The General Assembly finds that it is the public policy of this State to prevent the abuse, neglect, and death of juveniles. The General Assembly further finds that the prevention of the abuse, neglect, and death of juveniles is a community responsibility; that professionals from disparate disciplines have responsibilities for children or juveniles and have expertise that can promote their safety and well-being; and that multidisciplinary reviews of

the abuse, neglect, and death of juveniles can lead to a greater understanding of the causes and methods of preventing these deaths. It is, therefore, the intent of the General Assembly, through this Article, to establish a statewide multidisciplinary, multiagency child fatality prevention system consisting of the State Team established in G.S. 7B-1404 and the Local Teams established in G.S. 7B-1406. The purpose of the system is to assess the records of selected cases in which children are being served by child protective services and the records of all deaths of children in North Carolina from birth to age 18 in order to (i) develop a communitywide approach to the problem of child abuse and neglect, (ii) understand the causes of childhood deaths, (iii) identify any gaps or deficiencies that may exist in the delivery of services to children and their families by public agencies that are designed to prevent future child abuse, neglect, or death, and (iv) make and implement recommendations for changes to laws, rules, and policies that will support the safe and healthy development of our children and prevent future child abuse, neglect, and death.

"§ 7B-1401. Definitions.

The following definitions apply in this Article:

(1) Additional Child Fatality. -- Any death of a child that did not result from suspected abuse or neglect and about which no report of abuse or neglect had been made to the county department of social services within the previous 12 months.

(2) Local Team. -- A Community Child Protection Team or a Child Fatality Prevention Team.

(3) State Team. -- The North Carolina Child Fatality Prevention Team.

(4) Task Force. -- The North Carolina Child Fatality Task Force.

(5) Team Coordinator. -- The Child Fatality Prevention Team Coordinator.

"§ 7B-1402. Task Force -- creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Task Force within the Department of Health and Human Services for budgetary purposes only.

(b) The Task Force shall be composed of 35 members, 11 of whom shall be ex officio members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner shall be nonvoting members and may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:

(1) The Chief Medical Examiner;

(2) The Attorney General;

(3) The Director of the Division of Social Services;
(4) The Director of the State Bureau of Investigation;
(5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;
(6) The Director of the Governor's Youth Advocacy and Involvement Office;
(7) The Superintendent of Public Instruction;
(8) The Chairman of the State Board of Education;
(9) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services;
(10) The Secretary of the Department of Health and Human Services;
(11) The Director of the Administrative Office of the Courts;
(12) A director of a county department of social services, appointed by the Governor upon recommendation of the President of the North Carolina Association of County Directors of Social Services;
(13) A representative from a Sudden Infant Death Syndrome counseling and education program, appointed by the Governor upon recommendation of the Director of the Division of Maternal and Child Health of the Department of Health and Human Services;
(14) A representative from the North Carolina Child Advocacy Institute, appointed by the Governor upon recommendation of the President of the Institute;
(15) A director of a local department of health, appointed by the Governor upon the recommendation of the President of the North Carolina Association of Local Health Directors;
(16) A representative from a private group, other than the North Carolina Child Advocacy Institute, that advocates for children, appointed by the Speaker of the House of Representatives upon recommendation of private child advocacy organizations;
(17) A pediatrician, licensed to practice medicine in North Carolina, appointed by the Speaker of the House of Representatives upon recommendation of the North Carolina Pediatric Society;
(18) A representative from the North Carolina League of Municipalities, appointed by the Speaker of the House of Representatives upon recommendation of the League;
(19) Two public members, appointed by the Speaker of the House of Representatives;

(20) A county or municipal law enforcement officer, appointed by the President Pro Tempore of the Senate upon recommendation of organizations that represent local law enforcement officers;

(21) A district attorney, appointed by the President Pro Tempore of the Senate upon recommendation of the President of the North Carolina Conference of District Attorneys;

(22) A representative from the North Carolina Association of County Commissioners, appointed by the President Pro Tempore of the Senate upon recommendation of the Association;

(23) Two public members, appointed by the President Pro Tempore of the Senate; and

(24) Five members of the Senate, appointed by the President Pro Tempore of the Senate, and five members of the House of Representatives, appointed by the Speaker of the House of Representatives.

(c) All members of the Task Force are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment. Terms shall be two years. The members shall elect a chair who shall preside for the duration of the chair's term as member. In the event a vacancy occurs in the chair before the expiration of the chair's term, the members shall elect an acting chair to serve for the remainder of the unexpired term.

"§ 7B-1403. Task Force -- duties.

The Task Force shall:

(1) Undertake a statistical study of the incidences and causes of child deaths in this State and establish a profile of child deaths. The study shall include (i) an analysis of all community and private and public agency involvement with the decedents and their families prior to death, and (ii) an analysis of child deaths by age, cause, and geographic distribution;

(2) Develop a system for multidisciplinary review of child deaths. In developing such a system, the Task Force shall study the operation of existing Local Teams. The Task Force shall also consider the feasibility and desirability of local or regional review teams and, should it determine such teams to be feasible and desirable, develop guidelines for the operation of the teams. The Task Force shall also examine the laws, rules, and policies relating to confidentiality of and access to information that affect those agencies with responsibilities for children, including State and local health, mental health, social services, education, and law enforcement agencies, to determine whether those laws,

rules, and policies inappropriately impede the exchange of information necessary to protect children from preventable deaths, and, if so, recommend changes to them;

(3) Receive and consider reports from the State Team; and

(4) Perform any other studies, evaluations, or determinations the Task Force considers necessary to carry out its mandate.

"§ 7B-1404. State Team -- creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Prevention Team within the Department of Health and Human Services for budgetary purposes only.

(b) The State Team shall be composed of the following 11 members of whom nine members are ex officio and two are appointed:

(1) The Chief Medical Examiner, who shall chair the State Team;

(2) The Attorney General;

(3) The Director of the Division of Social Services, Department of Health and Human Services;

(4) The Director of the State Bureau of Investigation;

(5) The Director of the Division of Maternal and Child Health of the Department of Health and Human Services;

(6) The Superintendent of Public Instruction;

(7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services;

(8) The Director of the Administrative Office of the Courts;

(9) The pediatrician appointed pursuant to G.S. 7B-1402(b) to the Task Force;

(10) A public member, appointed by the Governor; and

(11) The Team Coordinator.

The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.

(c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment.

"§ 7B-1405. State Team -- duties.

The State Team shall:

(1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7B-301 at any time before death;

(2) Report to the Task Force during the existence of the Task Force, in the format and at the time required by the Task Force, on the State Team's activities and its recommendations

for changes to any law, rule, and policy that would promote the safety and well-being of children;

(3) Upon request of a Local Team, provide technical assistance to the Team;

(4) Periodically assess the operations of the multidisciplinary child fatality prevention system and make recommendations for changes as needed;

(5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams that review cases of additional child fatalities; and

(6) Receive reports of findings and recommendations from Local Teams that review cases of additional child fatalities and work with the Team Coordinator to implement recommendations.

"**§ 7B-1406. Community Child Protection Teams; Child Fatality Prevention Teams; creation and duties.**

(a) Community Child Protection Teams are established in every county of the State. Each Community Child Protection Team shall:

(1) Review, in accordance with the procedures established by the director of the county department of social services under G.S. 7B-1409:

a. Selected active cases in which children are being served by child protective services; and

b. Cases in which a child died as a result of suspected abuse or neglect, and

1. A report of abuse or neglect has been made about the child or the child's family to the county department of social services within the previous 12 months, or

2. The child or the child's family was a recipient of child protective services within the previous 12 months.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

In addition, each Community Child Protection Team may review the records of all additional child fatalities and report findings in connection with these reviews to the Team Coordinator.

(b) Any Community Child Protection Team that determines it will not review additional child fatalities shall notify the Team Coordinator. In accordance with the plan established under G.S. 7B-1408(1), a separate Child Fatality Prevention Team shall be

established in that county to conduct these reviews. Each Child Fatality Prevention Team shall:

(1) Review the records of all cases of additional child fatalities.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

(3) Report findings in connection with these reviews to the Team Coordinator.

(c) All reports to the Team Coordinator under this section shall include:

(1) A listing of the system problems identified through the review process and recommendations for preventive actions;

(2) Any changes that resulted from the recommendations made by the Local Team;

(3) Information about each death reviewed; and

(4) Any additional information requested by the Team Coordinator.

"§ 7B-1407. Local Teams; composition.

(a) Each Local Team shall consist of representatives of public and nonpublic agencies in the community that provide services to children and their families and other individuals who represent the community. No single team shall encompass a geographic or governmental area larger than one county.

(b) Each Local Team shall consist of the following persons:

(1) The director of the county department of social services and a member of the director's staff;

(2) A local law enforcement officer, appointed by the board of county commissioners;

(3) An attorney from the district attorney's office, appointed by the district attorney;

(4) The executive director of the local community action agency, as defined by the Department of Health and Human Services, or the executive director's designee;

(5) The superintendent of each local school administrative unit located in the county, or the superintendent's designee;

(6) A member of the county board of social services, appointed by the chair of that board;

(7) A local mental health professional, appointed by the director of the area authority established under Chapter 122C of the General Statutes;

(8) The local guardian ad litem coordinator, or the coordinator's designee;

(9) The director of the local department of public health; and

(10) A local health care provider, appointed by the local board of health.

(c) In addition, a Local Team that reviews the records of additional child fatalities shall include the following five additional members:

(1) An emergency medical services provider or firefighter, appointed by the board of county commissioners;

(2) A district court judge, appointed by the chief district court judge in that district;

(3) A county medical examiner, appointed by the Chief Medical Examiner;

(4) A representative of a local child care facility or Head Start program, appointed by the director of the county department of social services; and

(5) A parent of a child who died before reaching the child's eighteenth birthday, to be appointed by the board of county commissioners.

(d) The Team Coordinator shall serve as an ex officio member of each Local Team that reviews the records of additional child fatalities. The board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team. Vacancies on a Local Team shall be filled by the original appointing authority.

(e) Each Local Team shall elect a member to serve as chair at the Team's pleasure.

(f) Each Local Team shall meet at least four times each year.

(g) The director of the local department of social services shall call the first meeting of the Community Child Protection Team. The director of the local department of health, upon consultation with the Team Coordinator, shall call the first meeting of the Child Fatality Prevention Team. Thereafter, the chair of each Local Team shall schedule the time and place of meetings, in consultation with these directors, and shall prepare the agenda. The chair shall schedule Team meetings no less often than once per quarter and often enough to allow adequate review of the cases selected for review. Within three months of election, the chair shall participate in the appropriate training developed under this Article.

"§ 7B-1408. Child Fatality Prevention Team Coordinator; duties.

The Child Fatality Prevention Team Coordinator shall serve as liaison between the State Team and the Local Teams that review records of additional child fatalities and shall provide technical assistance to these Local Teams. The Team Coordinator shall:

(1) Develop a plan to establish Local Teams that review the records of additional child fatalities in each county.

(2) Develop model operating procedures for these Local Teams that address when public meetings should be held, what items should be addressed in public meetings, what

information may be released in written reports, and any other information the Team Coordinator considers necessary.

(3) Provide structured training for these Local Teams at the time of their establishment, and continuing technical assistance thereafter.

(4) Provide statistical information on all child deaths occurring in each county to the appropriate Local Team, and assure that all child deaths in a county are assessed through the multidisciplinary system.

(5) Monitor the work of these Local Teams.

(6) Receive reports of findings, and other reports that the Team Coordinator may require, from these Local Teams.

(7) Report the aggregated findings of these Local Teams to each Local Team that reviews the records of additional child fatalities and to the State Team.

(8) Evaluate the impact of local efforts to identify problems and make changes.

"§ 7B-1409. Community Child Protection Teams; duties of the director of the county department of social services.

In addition to any other duties as a member of the Community Child Protection Team, and in connection with the reviews under G.S. 7B-1406(a)(1), the director of the county department of social services shall:

(1) Assure the development of written operating procedures in connection with these reviews, including frequency of meetings, confidentiality policies, training of members, and duties and responsibilities of members;

(2) Assure that the Team defines the categories of cases that are subject to its review;

(3) Determine and initiate the cases for review;

(4) Bring for review any case requested by a Team member;

(5) Provide staff support for these reviews;

(6) Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Team, and signed confidentiality statements required under G.S. 7B-1413, in compliance with applicable rules and law; and

(7) Report quarterly to the county board of social services, or as required by the board, on the activities of the Team.

"§ 7B-1410. Local Teams; duties of the director of the local department of health.

In addition to any other duties as a member of the Local Team and in connection with reviews of additional child fatalities, the director of the local department of health shall:

(1) Distribute copies of the written procedures developed by the Team Coordinator under G.S. 7B- 1408 to the

administrators of all agencies represented on the Local Team and to all members of the Local Team;

(2) Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Local Team, and signed confidentiality statements required under G.S. 7B-1413, in compliance with applicable rules and law;

(3) Provide staff support for these reviews; and

(4) Report quarterly to the local board of health, or as required by the board, on the activities of the Local Team.

"§ 7B-1411. Community Child Protection Teams; responsibility for training of team members.

The Division of Social Services, Department of Health and Human Services, shall develop and make available, on an ongoing basis, for the members of Local Teams that review active cases in which children are being served by child protective services, training materials that address the role and function of the Local Team, confidentiality requirements, an overview of child protective services law and policy, and Team record keeping.

"§ 7B-1412. Task Force -- reports.

The Task Force shall report annually to the Governor and General Assembly, within the first week of the convening or reconvening of the General Assembly. The report shall contain at least a summary of the conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, or policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State.

"§ 7B-1413. Access to records.

(a) The State Team, the Local Teams, and the Task Force during its existence, shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The State Team, the Task Force, and the Local Teams shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.

(b) Meetings of the State Team and the Local Teams are not subject to the provisions of Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold periodic public meetings to discuss, in

a general manner not revealing confidential information about children and families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

(c) All otherwise confidential information and records acquired by the State Team, the Local Teams, and the Task Force during its existence, in the exercise of their duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the State Team, the Local Teams, and the Task Force. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the Local Team. No member of the State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

(d) Each member of a Local Team and invited participant shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

(e) Cases receiving child protective services at the time of review by a Local Team shall have an entry in the child's protective services record to indicate that the case was received by that Team. Additional entry into the record shall be at the discretion of the director of the county department of social services.

(f) The Social Services Commission shall adopt rules to implement this section in connection with reviews conducted by Community Child Protection Teams. The Health Services Commission shall adopt rules to implement this section in connection with Local Teams that review additional child fatalities. In particular, these rules shall allow information generated by an executive session of a Local Team to be accessible for administrative or research purposes only.

"**§ 7B-1414. Administration; funding.**

(a) To the extent of funds available, the chairs of the Task Force and State Team may hire staff or consultants to assist the Task Force and the State Team in completing their duties.

(b) Members, staff, and consultants of the Task Force or State Team shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be,

paid from funds appropriated to implement this Article and within the limits of those funds.

(c) With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force.

"SUBCHAPTER II. UNDISCIPLINED AND DELINQUENT JUVENILES.

"ARTICLE 15.

"Purposes; Definitions.

"§ 7B-1500. Purpose.

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

(1) To protect the public from acts of delinquency.

(2) To deter delinquency and crime, including patterns of repeat offending:

a. By providing swift, effective dispositions that emphasize the juvenile offender's accountability for the juvenile's actions; and

b. By providing appropriate rehabilitative services to juveniles and their families.

(3) To provide an effective system of intake services for the screening and evaluation of complaints and, in appropriate cases, where court intervention is not necessary to ensure public safety, to refer juveniles to community-based resources.

(4) To provide uniform procedures that assure fairness and equity; that protect the constitutional rights of juveniles, parents, and victims; and that encourage the court and others involved with juvenile offenders to proceed with all possible speed in making and implementing determinations required by this Subchapter.

"§ 7B-1501. Definitions.

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

(1) Chief court counselor. -- The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Office of Juvenile Justice.

(2) Clerk. -- Any clerk of superior court, acting clerk, or assistant or deputy clerk.

(3) Community-based program. -- A program providing nonresidential or residential treatment to a juvenile under the jurisdiction of the juvenile court in the community where the juvenile's family lives. A community-based

program may include specialized foster care, family counseling, shelter care, and other appropriate treatment.

(4) Court. -- The district court division of the General Court of Justice.

(5) Court counselor. -- A person responsible for probation and post-release supervision to juveniles under the supervision of the chief court counselor.

(6) Custodian. -- The person or agency that has been awarded legal custody of a juvenile by a court.

(7) Delinquent juvenile. -- Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws.

(8) Detention. -- The secure confinement of a juvenile pursuant to a court order.

(9) Detention facility. -- A facility approved to provide secure confinement and care for juveniles. Detention facilities include both State and locally administered detention homes, centers, and facilities.

(10) District. -- Any district court district as established by G.S. 7A-133.

(11) Holdover facility. -- A place in a jail which has been approved by the Department of Health and Human Services as meeting the State standards for detention as required in G.S. 153A-221 providing close supervision where the juvenile cannot converse with, see, or be seen by the adult population.

(12) House arrest. -- A requirement that the juvenile remain at the juvenile's residence unless the court or the juvenile court counselor authorizes the juvenile to leave for specific purposes.

(13) Intake counselor. -- A person who screens and evaluates a complaint alleging that a juvenile is delinquent or undisciplined to determine whether the complaint should be filed as a petition.

(14) Interstate Compact on Juveniles. -- An agreement ratified by 50 states and the District of Columbia providing a formal means of returning a juvenile, who is an absconder, escapee, or runaway, to the juvenile's home state, and codified in Article 28 of this Chapter.

(15) Judge. -- Any district court judge.

(16) Judicial district. -- Any district court district as established by G.S. 7A-133.

(17) Juvenile. -- Except as provided in subdivisions (7) and (27) of this section, any person who has not reached the person's

eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States. Wherever the term 'juvenile' is used with reference to rights and privileges, that term encompasses the attorney for the juvenile as well.

(18) Juvenile court. -- Any district court exercising jurisdiction pursuant to this Chapter.

(19) Office. -- The Office of Juvenile Justice.

(20) Petitioner. -- The individual who initiates court action by the filing of a petition or a motion for review alleging the matter for adjudication.

(21) Post-release supervision. -- The supervision of a juvenile who has been returned to the community after having been committed to the Office for placement in a training school.

(22) Probation. -- The status of a juvenile who has been adjudicated delinquent, is subject to specified conditions under the supervision of a court counselor, and may be returned to the court for violation of those conditions during the period of probation.

(23) Prosecutor. -- The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

(24) Protective supervision. -- The status of a juvenile who has been adjudicated undisciplined and is under the supervision of a court counselor.

(25) Teen court program. -- A community resource for the diversion of cases in which a juvenile has allegedly committed certain offenses for hearing by a jury of the juvenile's peers, which may assign the juvenile to counseling, restitution, curfews, community service, or other rehabilitative measures.

(26) Training school. -- A secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Office of Juvenile Justice.

(27) Undisciplined juvenile. --

a. A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary

control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

(28) Wilderness program. -- A rehabilitative residential treatment program in a rural or outdoor setting.

The singular includes the plural, unless otherwise specified.

"ARTICLE 16.

"Jurisdiction.

"§ 7B-1600. Jurisdiction over undisciplined juveniles.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be undisciplined. For purposes of determining jurisdiction, the age of the juvenile at the time of the alleged offense governs.

(b) When the court obtains jurisdiction over a juvenile under this section, jurisdiction shall continue until terminated by order of the court, the juvenile reaches the age of 18 years, or the juvenile is emancipated.

(c) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who is under the jurisdiction of the court pursuant to this section, if the parent, guardian, or custodian has been served with a summons pursuant to G.S. 7B-1805.

"§ 7B-1601. Jurisdiction over delinquent juveniles.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at the time of the alleged offense governs.

(b) When the court obtains jurisdiction over a juvenile alleged to be delinquent, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years, except as provided otherwise in this Article.

(c) When delinquency proceedings cannot be concluded before the juvenile reaches the age of 18 years, the court retains jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing the petition.

(d) When the court has not obtained jurisdiction over a juvenile before the juvenile reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly committed on or after the juvenile's thirteenth birthday and prior to the juvenile's sixteenth birthday, the court has jurisdiction for the sole purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring the case to superior court for trial as an adult or dismissing the petition.

(e) The court has jurisdiction over delinquent juveniles in the custody of the Office and over proceedings to determine whether a juvenile who is

under the post-release supervision of the court counselor has violated the terms of the juvenile's post-release supervision.

(f) The court has jurisdiction over persons 18 years of age or older who are under the extended jurisdiction of the juvenile court.

(g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who is under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian has been served with a summons pursuant to G.S. 7B-1805.

"§ 7B-1602. Extended jurisdiction over a delinquent juvenile under certain circumstances.

(a) When a juvenile is committed to the Office for placement in a training school for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

(b) When a juvenile is committed to the Office for placement in a training school for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, whichever occurs first.

"§ 7B-1603. Jurisdiction in certain circumstances.

The court has exclusive original jurisdiction of the following proceedings:

(1) Proceedings under the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter;

(2) Proceedings involving judicial consent for emergency surgical or medical treatment for a juvenile when the juvenile's parent, guardian, custodian, or person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court refuses to consent for treatment to be rendered; and

(3) Proceedings to determine whether a juvenile should be emancipated.

"§ 7B-1604. Limitations on juvenile court jurisdiction.

(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits a criminal offense on or after the juvenile's sixteenth birthday is subject to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for the commission of a criminal offense.

(b) A juvenile who is transferred to and convicted in superior court shall be prosecuted as an adult for any criminal offense the juvenile commits after the superior court conviction.

"ARTICLE 17.

"Screening of Delinquency and Undisciplined Complaints.

"§ 7B-1700. Intake services.

The chief court counselor, under the direction of the Office, shall establish intake services in each judicial district of the State for all delinquency and undisciplined cases.

The purpose of intake services shall be to determine from available evidence whether there are reasonable grounds to believe the facts alleged are true, to determine whether the facts alleged constitute a delinquent or undisciplined offense within the jurisdiction of the court, to determine whether the facts alleged are sufficiently serious to warrant court action, and to obtain assistance from community resources when court referral is not necessary. The intake counselor shall not engage in field investigations to substantiate complaints or to produce supplementary evidence but may refer complainants to law enforcement agencies for those purposes.

"§ 7B-1701. Preliminary inquiry.

When a complaint is received, the intake counselor shall make a preliminary determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or undisciplined juvenile. If the intake counselor finds that the facts contained in the complaint do not state a case within the jurisdiction of the court, that legal sufficiency has not been established, or that the matters alleged are frivolous, the intake counselor, without further inquiry, shall refuse authorization to file the complaint as a petition.

When requested by the intake counselor, the prosecutor shall assist in determining the sufficiency of evidence as it affects the quantum of proof and the elements of offenses.

The intake counselor, without further inquiry, shall authorize the complaint to be filed as a petition if the intake counselor finds reasonable grounds to believe that the juvenile has committed one of the following nondivertible offenses:

(1) Murder;
(2) First-degree rape or second degree rape;
(3) First-degree sexual offense or second degree sexual offense;
(4) Arson;
(5) Any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an adult;
(6) First degree burglary;
(7) Crime against nature; or
(8) Any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.

"§ 7B-1702. Evaluation.

Upon a finding of legal sufficiency, except in cases involving nondivertible offenses set out in G.S. 7B-1701, the intake counselor

shall determine whether a complaint should be filed as a petition, the juvenile diverted pursuant to G.S. 7B-1706, or the case resolved without further action. In making the decision, the counselor shall consider criteria provided by the Office. The intake process shall include the following steps if practicable:

(1) Interviews with the complainant and the victim if someone other than the complainant;

(2) Interviews with the juvenile and the juvenile's parent, guardian, or custodian;

(3) Interviews with persons known to have relevant information about the juvenile or the juvenile's family.

Interviews required by this section shall be conducted in person unless it is necessary to conduct them by telephone.

"**§ 7B-1703. Evaluation decision.**

(a) The intake counselor shall complete evaluation of a complaint within 15 days of receipt of the complaint, with an extension for a maximum of 15 additional days at the discretion of the chief court counselor. The intake counselor shall decide within this time period whether a complaint shall be filed as a juvenile petition.

(b) Except as provided in G.S. 7B-1706, if the intake counselor determines that a complaint should be filed as a petition, the counselor shall file the petition as soon as practicable, but in any event within 15 days after the complaint is received, with an extension for a maximum of 15 additional days at the discretion of the chief court counselor. The intake counselor shall assist the complainant when necessary with the preparation and filing of the petition, shall include on it the date and the words 'Approved for Filing', shall sign it, and shall transmit it to the clerk of superior court.

(c) If the intake counselor determines that a petition should not be filed, the intake counselor shall notify the complainant immediately in writing with reasons for the decision and shall include notice of the complainant's right to have the decision reviewed

reviewed by the prosecutor. The intake counselor shall sign the complaint after indicating on it:

(1) The date of the determination;

(2) The words 'Not Approved for Filing'; and

(3) Whether the matter is 'Closed' or 'Diverted and Retained'.

Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile petition shall be destroyed by the intake counselor after holding the complaint for a temporary period to allow review as provided in G.S. 7B-1705.

"**§ 7B-1704. Request for review by prosecutor.**

The complainant has five calendar days, from receipt of the intake counselor's decision not to approve the filing of a petition, to request review by the prosecutor. The intake counselor shall notify the prosecutor immediately of such request and shall transmit to the prosecutor a copy of the complaint. The prosecutor shall notify the complainant and the intake counselor of the time and place for the review.

"**§ 7B-1705. Review of determination that petition should not be filed.**

No later than 20 days after the complainant is notified, the prosecutor shall review the intake counselor's determination that a juvenile petition should not be filed. Review shall include conferences with the complainant and the intake counselor. At the conclusion of the review, the prosecutor shall: (i) affirm the decision of the intake counselor or direct the filing of a petition and (ii) notify the complainant of the prosecutor's action.

"**§ 7B-1706. Diversion plans and referral.**

(a) Unless the offense is one in which a petition is required by G.S. 7B-1701, upon a finding of legal sufficiency the intake counselor may divert the juvenile pursuant to a diversion plan, which may include referring the juvenile to any of the following resources:

(1) An appropriate public or private resource;

(2) Restitution;

(3) Community service;

(4) Victim-offender mediation;

(5) Regimented physical training;

(6) Counseling;

(7) A teen court program, as set forth in subsection (c) of this section.

As part of a diversion plan, the intake counselor may enter into a diversion contract with the juvenile and the juvenile's parent, guardian, or custodian.

(b) Unless the offense is one in which a petition is required by G.S. 7B-1701, upon a finding of legal sufficiency the intake counselor may enter into a diversion contract with the juvenile and the parent, guardian, or custodian; provided, a diversion contract requires the consent of the juvenile and the juvenile's parent, guardian, or custodian. A diversion contract shall:

(1) State conditions by which the juvenile agrees to abide and any actions the juvenile agrees to take;

(2) State conditions by which the parent, guardian, or custodian agrees to abide and any actions the parent, guardian, or custodian agrees to take;

(3) Describe the role of the court counselor in relation to the juvenile and the parent, guardian, or custodian;

(4) Specify the length of the contract, which shall not exceed six months;

(5) Indicate that all parties understand and agree that:

a. The juvenile's violation of the contract may result in the filing of the complaint as a petition; and

b. The juvenile's successful completion of the contract shall preclude the filing of a petition.

After a diversion contract is signed by the parties, the intake counselor shall provide copies of the contract to the juvenile and the juvenile's parent, guardian, or custodian. The intake counselor shall notify any agency or other resource from which the juvenile or the juvenile's parent, guardian, or custodian will be seeking services or treatment pursuant to the terms of the contract. At any time during the term of the contract if the court counselor determines that the juvenile has failed to comply substantially with the terms of the contract, the court counselor may file the complaint as a petition. Unless the court counselor has filed the complaint as a petition, the intake counselor shall close the juvenile's file in regard to the diverted matter within six months after the date of the contract.

(c) If a teen court program has been established in the district, the intake counselor, upon a finding of legal sufficiency, may refer to a teen court program, any case in which a juvenile has allegedly committed an offense that would be an infraction or misdemeanor if committed by an adult. However, the intake counselor shall not refer a case to a teen court program (i) if the juvenile has been referred to a teen court program previously, or (ii) if the juvenile is alleged to have committed any of the following offenses:

(1) Driving while impaired under G.S. 20-138.1, 20-138.2, 20-138.3, 20-138.5, or 20-138.7, or any other motor vehicle violation;

(2) A Class A1 misdemeanor;

(3) An assault in which a weapon is used; or

(4) A controlled substance offense under Article 5 of Chapter 90 of the General Statutes, other than simple possession of a Schedule VI drug or alcohol.

(d) The intake counselor shall maintain diversion plans and contracts entered into pursuant to this section to allow intake counselors to determine when a juvenile has had a complaint diverted previously. Diversion plans and contracts are not public records under Chapter 132 of the General

Statutes, shall not be included in the clerk's record pursuant to G.S. 7B-3000, and shall be withheld from public inspection or examination. Diversion plans and contracts shall be destroyed when the juvenile reaches the age of 18 years or when the juvenile is no longer under the jurisdiction of the court, whichever is longer.

(e) No later than 60 days after the intake counselor diverts a juvenile, the intake counselor shall determine whether the juvenile and the juvenile's parent, guardian, or custodian have complied with the terms of the diversion plan or contract. In making this determination, the intake counselor shall contact any referral resources to determine whether the juvenile and the juvenile's parent, guardian, or custodian complied with any recommendations for treatment or services made by the resource. If the juvenile and the juvenile's parent, guardian, or custodian have not complied, the intake counselor shall reconsider the decision to divert and may authorize the filing of the complaint as a petition within 10 days after making the determination. If the intake counselor does not file a petition, the intake counselor may continue to monitor the case for up to six months from the date of the diversion plan or contract. At any point during that time period if the juvenile and the juvenile's parent, guardian, or custodian fail to comply, the intake counselor shall reconsider the decision to divert and may authorize the filing of the complaint as a petition. After six months, the intake counselor shall close the diversion plan or contract file.

"ARTICLE 18.

"Venue; Petition; Summons.

"§ 7B-1800. Venue.

A proceeding in which a juvenile is alleged to be delinquent or undisciplined shall be commenced and adjudicated in the district in which the offense is alleged to have occurred. When a proceeding is commenced in a district other than that of the juvenile's residence, the court shall proceed to adjudication in that district. After adjudication, the following procedures shall be available to the court:

(1) The court may transfer the proceeding to the court in the district where the juvenile resides for disposition.

(2) Where the proceeding is not transferred under subdivision (1) of this section, the court shall immediately notify the chief district court judge in the district in which the juvenile resides. If the chief district court judge requests a transfer within five days after receipt of notification, the court shall transfer the proceeding.

(3) Where the proceeding is not transferred under subdivision (1) or (2) of this section, the court, upon motion of the juvenile, shall transfer the proceeding to the court in the district where the juvenile resides for disposition. The court shall advise the juvenile of the juvenile's right to transfer under this section.

"**§ 7B-1801. Pleading and process.**

The pleading in a juvenile action is the petition. The process in a juvenile action is the summons.

"**§ 7B-1802. Petition.**

The petition shall contain the name, date of birth, and address of the juvenile and the name and last known address of the juvenile's parent, guardian, or custodian. The petition shall allege the facts that invoke jurisdiction over the juvenile. The petition shall not contain information on more than one juvenile.

A petition in which delinquency is alleged shall contain a plain and concise statement, without allegations of an evidentiary nature, asserting facts supporting every element of a criminal offense and the juvenile's commission thereof with sufficient precision clearly to apprise the juvenile of the conduct which is the subject of the allegation.

Sufficient copies of the petition shall be prepared so that copies will be available for the juvenile, for each parent if living separate and apart, for the guardian or custodian if any, for the court counselor, for the prosecutor, and for any person determined by the court to be a necessary party.

"**§ 7B-1803. Receipt of complaints; filing of petition.**

(a) All complaints concerning a juvenile alleged to be delinquent or undisciplined shall be referred to the intake counselor for screening and evaluation. Thereafter, if the intake counselor determines that a petition should be filed, the petition shall be drawn by the intake counselor or the clerk, signed by the complainant, and verified before an official authorized to administer oaths. If the circumstances indicate a need for immediate attachment of jurisdiction and if the intake counselor is out of the county or otherwise unavailable to receive a complaint and to draw a petition when it is needed, the clerk shall assist the complainant in communicating the complaint to the intake counselor by telephone and, with the approval of the intake counselor, shall draw a petition and file it when signed and verified. A copy of the complaint and petition shall be transmitted to the intake counselor. Procedures for receiving delinquency and undisciplined complaints and drawing petitions thereon, consistent with this Article and Article 17 of this Chapter, shall be established by administrative order of the chief judge in each judicial district.

(b) If review is requested pursuant to G.S. 7B-1704, the prosecutor shall review a complaint and any decision of the intake counselor not to authorize that the complaint be filed as a petition. If the prosecutor, after review, authorizes a complaint to be filed as a petition, the prosecutor shall prepare the complaint to be filed by the clerk as a petition, recording the day of filing.

"**§ 7B-1804. Commencement of action.**

(a) An action is commenced by the filing of a petition in the clerk's office when that office is open, or by a magistrate's acceptance of a petition

for filing pursuant to subsection (b) of this section when the clerk's office is closed.

(b) When the office of the clerk is closed and an intake counselor requests a petition alleging a juvenile to be delinquent or undisciplined, a magistrate may draw and verify the petition and accept it for filing, which acceptance shall constitute filing. The magistrate's authority under this subsection is limited to emergency situations when a petition is required in order to obtain a secure or nonsecure custody order. Any petition accepted for filing under this subsection shall be delivered to the clerk's office for processing as soon as that office is open for business.

"**§ 7B-1805. Issuance of summons.**

(a) Immediately after a petition has been filed alleging that a juvenile is undisciplined or delinquent, the clerk shall issue a summons to the juvenile and to the parent, guardian, or custodian requiring them to appear for a hearing at the time and place stated in the summons. A copy of the petition shall be attached to each summons.

(b) A summons shall be on a printed form supplied by the Administrative Office of the Courts and shall include:

(1) Notice of the nature of the proceeding and the purpose of the hearing scheduled on the summons.

(2) Notice of any right to counsel and information about how to seek the appointment of counsel prior to a hearing.

(3) Notice that, if the court determines at the adjudicatory hearing that the allegations of the petition are true, the court will conduct a dispositional hearing and will have jurisdiction to enter orders affecting substantial rights of the juvenile and of the parent, guardian, or custodian, including orders that:

a. Affect the juvenile's custody;

b. Impose conditions on the juvenile;

c. Require that the juvenile receive medical, psychiatric, psychological, or other treatment and that the parent participate in the treatment;

d. Require the parent to undergo psychiatric, psychological, or other treatment or counseling;

e. Order the parent to pay for treatment that is ordered for the juvenile or the parent; and

f. Order the parent to pay support for the juvenile for any period the juvenile does not reside with the parent or to pay attorneys' fees or other fees or expenses as ordered by the court.

(4) Notice that the parent, guardian, or custodian shall be required to attend scheduled hearings and that failure without reasonable cause to attend may result in proceedings for contempt of court.

(5) Notice that the parent, guardian, or custodian shall be responsible for bringing the juvenile before the court at any hearing the juvenile is required to attend and that failure without reasonable cause to bring the juvenile before the court may result in proceedings for contempt of court.

(c) The summons shall advise the parent, guardian, or custodian that upon service, jurisdiction over the parent, guardian, or custodian is obtained and that failure of the parent, guardian, or custodian to appear or bring the juvenile before the court without reasonable cause or to comply with any order of the court pursuant to Article 27 of this Chapter may cause the court to issue a show cause order for contempt. The summons shall contain the following language in bold type:

'TO THE PARENT(S), GUARDIAN(S), OR CUSTODIAN(S): YOUR FAILURE TO APPEAR IN COURT FOR A SCHEDULED HEARING OR TO COMPLY WITH AN ORDER OF THE COURT MAY RESULT IN A FINDING OF CRIMINAL CONTEMPT. A PERSON HELD IN CRIMINAL CONTEMPT MAY BE SUBJECT TO IMPRISONMENT OF UP TO 30 DAYS, A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS ($500.00) OR BOTH.'

(d) A summons shall be directed to the person summoned to appear and shall be delivered to any person authorized to serve process.

"§ 7B-1806. Service of summons.

The summons and petition shall be personally served upon the parent, the guardian, or custodian and the juvenile not less than five days prior to the date of the scheduled hearing. The time for service may be waived in the discretion of the court.

If the parent, guardian, or custodian entitled to receive a summons cannot be found by a diligent effort, the court may authorize service of the summons and petition by mail or by publication. The cost of the service by publication shall be advanced by the petitioner and may be charged as court costs as the court may direct.

The court may issue a show cause order for contempt against a parent, guardian, or custodian who is personally served and fails without reasonable cause to appear and to bring the juvenile before the court.

The provisions of G.S. 15A-301(a), (c), (d), and (e) relating to criminal process apply to juvenile process; provided the period of time for return of an unserved summons is 30 days.

"§ 7B-1807. Notice to parent and juvenile of scheduled hearings.

The clerk shall give to all parties, including both parents of the juvenile, the juvenile's guardian or custodian, and any other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court, five days' written notice of the date and time of all scheduled hearings unless the party is notified in open court or the court orders otherwise.

"**§ 7B-1808. First appearance for felony cases.**

(a) A juvenile who is alleged in the petition to have committed an offense that would be a felony if committed by an adult shall be summoned to appear before the court for a first appearance within 10 days of the filing of the petition. If the juvenile is in secure or nonsecure custody, the first appearance shall take place at the initial hearing required by G.S. 7B-1906. Unless the juvenile is in secure or nonsecure custody, the court may continue the first appearance to a time certain for good cause.

(b) At the first appearance, the court shall:

(1) Inform the juvenile of the allegations set forth in the petition;

(2) Determine whether the juvenile has retained counsel or has been assigned counsel and, if the juvenile is not represented by counsel, appoint counsel for the juvenile;

(3) If applicable, inform the juvenile of the date of the probable cause hearing, which shall be within 15 days of the first appearance; and

(4) Inform the parent, guardian, or custodian that the parent, guardian, or custodian is required to attend all hearings scheduled in the matter and may be held in contempt of court for failure to attend any scheduled hearing.

"ARTICLE 19.

"Temporary Custody; Secure and Nonsecure Custody; Custody Hearings.

"**§ 7B-1900. Taking a juvenile into temporary custody.**

Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or nonsecure custody can be obtained. A juvenile may be taken into temporary custody without a court order under the following circumstances:

(1) By a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances under G.S. 15A-401(b).

(2) By a law enforcement officer or a court counselor if there are reasonable grounds to believe that the juvenile is an undisciplined juvenile.

(3) By a law enforcement officer, by a court counselor, by a member of the Black Mountain Center, Alcohol Rehabilitation Center, and Juvenile Evaluation Center Joint Security Force established pursuant to G.S. 122C-421, or by personnel of the Office if there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Office or from an approved detention facility.

"**§ 7B-1901. Duties of person taking juvenile into temporary custody.**

(a) A person who takes a juvenile into custody without a court order under G.S. 7B-1900(1) or (2) shall proceed as follows:

(1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or nonsecure custody. Failure to notify the parent, guardian, or custodian that the juvenile is in custody shall not be grounds for release of the juvenile.

(2) Release the juvenile to the juvenile's parent, guardian, or custodian if the person having the juvenile in temporary custody decides that continued custody is unnecessary. In the case of a juvenile unlawfully absent from school, if continued custody is unnecessary, the person having temporary custody may deliver the juvenile to the juvenile's school or, if the local city or county government and the local school board adopt a policy, to a place in the local school administrative unit.

(3) If the juvenile is not released, request that a petition be drawn pursuant to G.S. 7B-1803 or G.S. 7B-1804. Once the petition has been drawn and verified, the person shall communicate with the intake counselor. If the intake counselor approves the filing of the petition, the intake counselor shall contact the judge or the person delegated authority pursuant to G.S. 7B-1902 if other than the intake counselor, for a determination of the need for continued custody.

(b) A juvenile taken into temporary custody under this Article shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless a petition or motion for review has been filed and an order for secure or nonsecure custody has been entered.

(c) A person who takes a juvenile into custody under G.S. 7B- 1900(3), after receiving an order for secure custody, shall transport the juvenile to the nearest approved facility providing secure custody. The person then shall contact the administrator of the facility from which the juvenile absconded, who shall be responsible for returning the juvenile to that facility.

"**§ 7B-1902. Authority to issue custody orders; delegation.**

In the case of any juvenile alleged to be within the jurisdiction of the court, when the court finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

Any district court judge may issue secure and nonsecure custody orders pursuant to G.S. 7B-1903. The chief district court judge may delegate the

court's authority to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. The administrative order shall specify which persons may be contacted for approval of a secure or nonsecure custody order. The chief district court judge shall not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to G.S. 7B-1905 or G.S. 7B-2512.

"**§ 7B-1903. Criteria for secure or nonsecure custody.**

(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and that:

(1) The juvenile is a runaway and consents to nonsecure custody; or

(2) The juvenile meets one or more of the criteria for secure custody, but the court finds it in the best interests of the juvenile that the juvenile be placed in a nonsecure placement.

(b) When a request is made for secure custody, the court may order secure custody only where the court finds there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition, and that one of the following circumstances exists:

(1) The juvenile is charged with a felony and has demonstrated that the juvenile is a danger to property or persons.

(2) The juvenile is charged with a misdemeanor at least one element of which is assault on a person and has demonstrated that the juvenile is a danger to persons.

(3) The juvenile has willfully failed to appear on a pending delinquency charge or on charges of violation of probation or post-release supervision, providing the juvenile was properly notified.

(4) A delinquency charge is pending against the juvenile, and there is reasonable cause to believe the juvenile will not appear in court.

(5) The juvenile is an absconder from (i) any residential facility operated by the Office or any detention facility in this State or (ii) any comparable facility in another state.

(6) There is reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury. In such case, the juvenile must have been refused admission by one appropriate hospital, and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization. If the juvenile is placed in secure custody, the juvenile shall receive

continuous supervision and a physician shall be notified immediately.

(7) The juvenile is alleged to be undisciplined by virtue of the juvenile's being a runaway and is inappropriate for nonsecure custody placement or refuses nonsecure custody, and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, or where circumstances require, for a period not to exceed 72 hours to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.

(8) The juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; the juvenile shall be brought to court as soon as possible and in no event should be held more than 24 hours, excluding Saturdays, Sundays, and State holidays or where circumstances require for a period not to exceed 72 hours.

(c) When a juvenile has been adjudicated delinquent, the court may order secure custody pending the dispositional hearing or pending placement of the juvenile pursuant to G.S. 7B-2506.

(d) The court may order secure custody for a juvenile who is alleged to have violated the conditions of the juvenile's probation or post-release supervision, but only if the juvenile is alleged to have committed acts that damage property or injure persons.

(e) If the criteria for secure custody as set out in subsection (b), (c), or (d) of this section are met, the court may enter an order directing an officer or other authorized person to assume custody of the juvenile and to take the juvenile to the place designated in the order.

"§ 7B-1904. Order for secure or nonsecure custody.

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to assume custody of the juvenile and to make due return on the order. The official executing the order shall give a copy of the order to the juvenile's parent, guardian, or custodian. If the order is for secure custody, copies of the petition and custody order shall accompany the juvenile to the detention facility or holdover facility of the jail. A message of the Division of Criminal Information, State Bureau of Investigation, stating that a juvenile petition and secure custody order relating to a specified juvenile are on file in a particular county shall be authority to detain the juvenile in secure custody until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility. The copies of the juvenile petition and secure custody order shall be transmitted to the detention facility no later than 72 hours after the initial detention of the juvenile.

An officer receiving an order for custody which is complete and regular on its face may execute it in accordance with its terms and need not inquire

into its regularity or continued validity, nor does the officer incur criminal or civil liability for its execution.

"**§ 7B-1905. Place of secure or nonsecure custody.**

(a) A juvenile meeting the criteria set out in G.S. 7B-1903(a), may be placed in nonsecure custody with a department of social services or a person designated in the order for temporary residential placement in:

(1) A licensed foster home or a home otherwise authorized by law to provide such care;

(2) A facility operated by a department of social services; or

(3) Any other home or facility approved by the court and designated in the order.

In placing a juvenile in nonsecure custody, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile. If the court finds that the relative is willing and able to provide proper care and supervision, the court shall order placement of the juvenile with the relative. Placement of a juvenile outside of this State shall be in accordance with the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter.

(b) Pursuant to G.S. 7B-1903(b), (c), or (d), a juvenile may be temporarily detained in an approved detention facility which shall be separate from any jail, lockup, prison, or other adult penal institution, except as provided in subsection (c) of this section. It shall be unlawful for a county or any unit of government to operate a juvenile detention facility unless the facility meets the standards and rules adopted by the Department of Health and Human Services.

(c) A juvenile who has allegedly committed an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be detained in secure custody in a holdover facility up to 72 hours, if the court, based on information provided by the court counselor, determines that no acceptable alternative placement is available and the protection of the public requires the juvenile be housed in a holdover facility.

"**§ 7B-1906. Secure or nonsecure custody hearings.**

(a) No juvenile shall be held under a secure custody order for more than five calendar days or under a nonsecure custody order for more than seven calendar days without a hearing on the merits or an initial hearing to determine the need for continued custody. A hearing conducted under this subsection may not be continued or waived. In every case in which an order has been entered by an official exercising authority delegated pursuant to G.S. 7B-1902, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered if the session precedes the expiration of the applicable time period set forth in this subsection. If the session does not precede the expiration of the time period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered.

(b) As long as the juvenile remains in secure or nonsecure custody, further hearings to determine the need for continued secure custody shall be held at intervals of no more than 10 calendar days. A subsequent hearing on continued nonsecure custody shall be held within seven business days, excluding Saturdays, Sundays, and legal holidays, of the initial hearing required in subsection (a) of this section and hearings thereafter shall be held at intervals of no more than 30 calendar days. In the case of a juvenile alleged to be delinquent, further hearings may be waived only with the consent of the juvenile, through counsel for the juvenile.

(c) The court shall determine whether a juvenile who is alleged to be delinquent has retained counsel or has been assigned counsel; and, if the juvenile is not represented by counsel, appoint counsel for the juvenile.

(d) At a hearing to determine the need for continued custody, the court shall receive testimony and shall allow the juvenile and the juvenile's parent, guardian, or custodian an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses. The State shall bear the burden at every stage of the proceedings to provide clear and convincing evidence that restraints on the juvenile's liberty are necessary and that no less intrusive alternative will suffice. The court shall not be bound by the usual rules of evidence at the hearings.

(e) The court shall be bound by criteria set forth in G.S. 7B-1903 in determining whether continued custody is warranted.

(f) The court may impose appropriate restrictions on the liberty of a juvenile who is released from secure custody, including:

(1) Release on the written promise of the juvenile's parent, guardian, or custodian to produce the juvenile in court for subsequent proceedings;

(2) Release into the care of a responsible person or organization;

(3) Release conditioned on restrictions on activities, associations, residence, or travel if reasonably related to securing the juvenile's presence in court; or

(4) Any other conditions reasonably related to securing the juvenile's presence in court.

(g) If the court determines that the juvenile meets the criteria in G.S. 7B-1903 and should continue in custody, the court shall issue an order to that effect. The order shall be in writing with appropriate findings of fact. The findings of fact shall include the evidence relied upon in reaching the decision and the purposes which continued custody is to achieve.

(h) The hearing to determine the need to continue custody may be conducted by audio and video transmission which allows the court and the juvenile to see and hear each other. If the juvenile has counsel, the juvenile may communicate fully and confidentially with the juvenile's attorney during the proceeding. Prior to the use of audio and video transmission, the procedures and type of equipment for audio and video transmission shall be

submitted to the Administrative Office of the Courts by the chief district court judge and approved by the Administrative Office of the Courts.

"§ 7B-1907. Telephonic communication authorized.

All communications, notices, orders, authorizations, and requests authorized or required by G.S. 7B-1901, 7B-1903, and 7B-1904 may be made by telephone when other means of communication are impractical. All written orders pursuant to telephonic communication shall bear the name and the title of the person communicating by telephone, the signature and the title of the official entering the order, and the hour and the date of the authorization.

"ARTICLE 20.

"Basic Rights.

"§ 7B-2000. Juvenile's right to counsel; presumption of indigence.

(a) A juvenile alleged to be within the jurisdiction of the court has the right to be represented by counsel in all proceedings. The court shall appoint counsel for the juvenile, unless counsel is retained for the juvenile, in any proceeding in which the juvenile is alleged to be (i) delinquent or (ii) in contempt of court when alleged or adjudicated to be undisciplined.

(b) All juveniles shall be conclusively presumed to be indigent, and it shall not be necessary for the court to receive from any juvenile an affidavit of indigency.

"§ 7B-2001. Appointment of guardian.

In any case when no parent, guardian, or custodian appears in a hearing with the juvenile or when the court finds it would be in the best interests of the juvenile, the court may appoint a guardian of the person for the juvenile. The guardian shall operate under the supervision of the court with or without bond and shall file only such reports as the court shall require. Unless the court orders otherwise, the guardian:

(1) Shall have the care, custody, and control of the juvenile or may arrange a suitable placement for the juvenile.

(2) May represent the juvenile in legal actions before any court.

(3) May consent to certain actions on the part of the juvenile in place of the parent or custodian, including (i) marriage, (ii) enlisting in the armed forces, and (iii) enrollment in school.

(4) May consent to any necessary remedial, psychological, medical, or surgical treatment for the juvenile.

The authority of the guardian shall continue until the guardianship is terminated by court order, until the juvenile is emancipated pursuant to Subchapter IV of this Chapter, or until the juvenile reaches the age of majority.

"§ 7B-2002. Payment of court-appointed attorney.

An attorney appointed pursuant to G.S. 7B-2000 or pursuant to any other provision of this Subchapter shall be paid a reasonable fee fixed by the court in the same manner as fees for attorneys appointed in cases of indigency through the Administrative Office of the Courts. The court may

require payment of the attorneys' fees from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2, and 7A-450.3. A person who does not comply with the court's order of payment may be found in civil contempt as provided in G.S. 5A-21.

"ARTICLE 21.

"Law Enforcement Procedures in Delinquency Proceedings.

"§ 7B-2100. Role of the law enforcement officer.

A law enforcement officer who takes a juvenile into temporary custody should select the most appropriate course of action to the situation, the needs of the juvenile, and the protection of the public safety. The officer may:

(1) Release the juvenile, with or without first counseling the juvenile;

(2) Release the juvenile to the juvenile's parent, guardian, or custodian;

(3) Refer the juvenile to community resources;

(4) Seek a petition; or

(5) Seek a petition and request a custody order.

"§ 7B-2101. Interrogation procedures.

(a) Any juvenile in custody must be advised prior to questioning:

(1) That the juvenile has a right to remain silent;

(2) That any statement the juvenile does make can be and may be used against the juvenile;

(3) That the juvenile has a right to have a parent, guardian, or custodian present during questioning; and

(4) That the juvenile has a right to consult with an attorney and that one will be appointed for the juvenile if the juvenile is not represented and wants representation.

(b) When the juvenile is less than 14 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney. If an attorney is not present, the parent, guardian, or custodian as well as the juvenile must be advised of the juvenile's rights as set out in subsection (a) of this section; however, a parent, guardian, or custodian may not waive any right on behalf of the juvenile.

(c) If the juvenile indicates in any manner and at any stage of questioning pursuant to this section that the juvenile does not wish to be questioned further, the officer shall cease questioning.

(d) Before admitting into evidence any statement resulting from custodial interrogation, the court shall find that the juvenile knowingly, willingly, and understandingly waived the juvenile's rights.

"§ 7B-2102. Fingerprinting and photographing juveniles.

(a) A law enforcement officer or agency shall fingerprint and photograph a juvenile who was 10 years of age or older at the time the

juvenile allegedly committed a nondivertible offense as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the juvenile is in physical custody of law enforcement or the Office.

(b) If a law enforcement officer or agency does not take the fingerprints or a photograph of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency shall fingerprint and photograph a juvenile who has been adjudicated delinquent if the juvenile was 10 years of age or older at the time the juvenile committed an offense that would be a felony if committed by an adult.

(c) A law enforcement officer or agency who fingerprints or photographs a juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of Investigation and the Federal Bureau of Investigation. After the juvenile, who was 10 years of age or older at the time of the offense, is adjudicated delinquent of an offense that would be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be transferred to the State Bureau of Investigation and placed in the Automated Fingerprint Identification System (AFIS) to be used for all investigative and comparison purposes. Photographs obtained pursuant to this section shall be placed in a format approved by the State Bureau of Investigation and may be used for all investigative or comparison purposes.

(d) Fingerprints and photographs taken pursuant to this section are not public records under Chapter 132 of the General Statutes, shall not be included in the clerk's record pursuant to G.S. 7B-3000, shall be withheld from public inspection or examination, and shall not be eligible for expunction pursuant to G.S. 7B-3200. Fingerprints and photographs taken pursuant to this section shall be maintained separately from any juvenile record, other than the electronic file maintained by the State Bureau of Investigation.

(e) If a juvenile is fingerprinted and photographed pursuant to subsection (a) of this section, the custodian of records shall destroy all fingerprints and photographs at the earlier of the following:

(1) The intake counselor or prosecutor does not file a petition against the juvenile within one year of fingerprinting and photographing the juvenile pursuant to subsection (a) of this section;

(2) The court does not find probable cause pursuant to G.S. 7B-2202; or

(3) The juvenile is not adjudicated delinquent of any offense that would be a felony or a misdemeanor if committed by an adult.

The chief court counselor shall notify the local custodian of records, and the local custodian of records shall notify any other record-holding agencies,

when a decision is made not to file a petition, the court does not find probable cause, or the court does not adjudicate the juvenile delinquent.

"§ 7B-2103. Authority to issue nontestimonial identification order where juvenile alleged to be delinquent.

Except as provided in G.S. 7B-2102, nontestimonial identification procedures shall not be conducted on any juvenile without a court order issued pursuant to this Article unless the juvenile has been charged as an adult or transferred to superior court for trial as an adult in which case procedures applicable to adults, as set out in Articles 14 and 23 of Chapter 15A of the General Statutes, shall apply. A nontestimonial identification order authorized by this Article may be issued by any judge of the district court or of the superior court upon request of a prosecutor. As used in this Article, 'nontestimonial identification' means identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, or other reasonable physical examination, handwriting exemplars, voice samples, photographs, and lineups or similar identification procedures requiring the presence of a juvenile.

"§ 7B-2104. Time of application for nontestimonial identification order.

A request for a nontestimonial identification order may be made prior to taking a juvenile into custody or after custody and prior to the adjudicatory hearing.

"§ 7B-2105. Grounds for nontestimonial identification order.

(a) Except as provided in subsection (b) of this section, a nontestimonial identification order may issue only on affidavit or affidavits sworn to before the court and establishing the following grounds for the order:

(1) That there is probable cause to believe that an offense has been committed that would be a felony if committed by an adult;

(2) That there are reasonable grounds to suspect that the juvenile named or described in the affidavit committed the offense; and

(3) That the results of specific nontestimonial identification procedures will be of material aid in determining whether the juvenile named in the affidavit committed the offense.

(b) A nontestimonial identification order to obtain a blood specimen from a juvenile may issue only on affidavit or affidavits sworn to before the court and establishing the following grounds for the order:

(1) That there is probable cause to believe that an offense has been committed that would be a felony if committed by an adult;

(2) That there is probable cause to believe that the juvenile named or described in the affidavit committed the offense; and

(3) That there is probable cause to believe that obtaining a blood specimen from the juvenile will be of material aid in determining whether the juvenile named in the affidavit committed the offense.

"**§ 7B-2106. Issuance of order.**

Upon a showing that the grounds specified in G.S. 7B-2105 exist, the judge may issue an order following the same procedure as in the case of adults under G.S. 15A-274, 15A-275, 15A-276, 15A-277, 15A-278, 15A-279, 15A-280, and 15A-282.

"**§ 7B-2107. Nontestimonial identification order at request of juvenile.**

A juvenile in custody for or charged with an offense which if committed by an adult would be a felony offense may request that nontestimonial identification procedures be conducted. If it appears that the results of specific nontestimonial identification procedures will be of material aid to the juvenile's defense, the judge to whom the request was directed must order the State to conduct the identification procedures.

"**§ 7B-2108. Destruction of records resulting from nontestimonial identification procedures.**

The results of any nontestimonial identification procedures shall be retained or disposed of as follows:

(1) If a petition is not filed against a juvenile who has been the subject of nontestimonial identification procedures, all records of the evidence shall be destroyed.

(2) If the juvenile is not adjudicated delinquent or convicted in superior court following transfer, all records resulting from a nontestimonial order shall be destroyed. Further, in the case of a juvenile who is under 13 years of age and who is adjudicated delinquent for an offense that would be less than a felony if committed by an adult, all records shall be destroyed.

(3) If a juvenile 13 years of age or older is adjudicated delinquent for an offense that would be a felony if committed by an adult, all records resulting from a nontestimonial order may be retained in the court file. Special precautions shall be taken to ensure that these records will be maintained in a manner and under sufficient safeguards to limit their use to inspection by law enforcement officers for comparison purposes in the investigation of a crime.

(4) If the juvenile is transferred to and convicted in superior court, all records resulting from nontestimonial identification procedures shall be processed as in the case of an adult.

(5) Any evidence seized pursuant to a nontestimonial order shall be retained by law enforcement officers until further order is entered by the court.

(6) Destruction of nontestimonial identification records pursuant to this section shall be performed by the law enforcement agency having possession of the records. Following destruction, the law enforcement agency shall make written certification to the court of the destruction.

"**§ 7B-2109. Penalty for willful violation.**

Any person who willfully violates provisions of this Article which prohibit conducting nontestimonial identification procedures without an order issued by the court shall be guilty of a Class 1 misdemeanor.

"ARTICLE 22.

"Probable Cause Hearing and Transfer Hearing.

"**§ 7B-2200. Transfer of jurisdiction of juvenile to superior court.**

After notice, hearing, and a finding of probable cause the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile allegedly committed an offense that would be a felony if committed by an adult. If the alleged felony constitutes a Class A felony and the court finds probable cause, the court shall transfer the case to the superior court for trial as in the case of adults.

"**§ 7B-2201. Fingerprinting juvenile transferred to superior court.**

When jurisdiction over a juvenile is transferred to the superior court, the juvenile shall be fingerprinted and the juvenile's fingerprints shall be sent to the State Bureau of Investigation.

"**§ 7B-2202. Probable cause hearing.**

(a) The court shall conduct a hearing to determine probable cause in all felony cases in which a juvenile was 13 years of age or older when the offense was allegedly committed. The hearing shall be conducted within 15 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

(b) At the probable cause hearing:

(1) A prosecutor shall represent the State;

(2) The juvenile shall be represented by counsel;

(3) The juvenile may testify, call, and examine witnesses, and present evidence; and

(4) Each witness shall testify under oath or affirmation and be subject to cross-examination.

(c) The State shall by nonhearsay evidence, or by evidence that satisfies an exception to the hearsay rule, show that there is probable cause to believe that the offense charged has been committed and that there is probable cause to believe that the juvenile committed it, except:

(1) A report or copy of a report made by a physicist, chemist, firearms identification expert, fingerprint technician, or an expert or technician in some other scientific, professional, or medical field, concerning the results of an examination, comparison, or test performed in connection with the case in issue, when stated in a report by that person, is admissible in evidence;

(2) If there is no serious contest, reliable hearsay is admissible to prove value, ownership of property, possession of property in a person other than the juvenile, lack of consent of the owner, possessor, or custodian of property to the breaking or entering of premises, chain of custody, and authenticity of signatures.

(d) Counsel for the juvenile may waive in writing the right to the hearing and stipulate to a finding of probable cause.

(e) If probable cause is found and transfer to superior court is not required by G.S. 7B-2200, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, the court shall either proceed to a transfer hearing or set a date for that hearing. If the juvenile has not received notice of the intention to seek transfer at least five days prior to the probable cause hearing, the court, at the request of the juvenile, shall continue the transfer hearing.

(f) If the court does not find probable cause for a felony offense, the court shall:

(1) Dismiss the proceeding, or

(2) If the court finds probable cause to believe that the juvenile committed a lesser included offense that would constitute a misdemeanor if committed by an adult, either proceed to an adjudicatory hearing or set a date for that hearing.

"**§ 7B-2203. Transfer hearing.**

(a) At the transfer hearing, the prosecutor and the juvenile may be heard and may offer evidence, and the juvenile's attorney may examine any court or probation records, or other records the court may consider in determining whether to transfer the case.

(b) In the transfer hearing, the court shall determine whether the protection of the public and the needs of the juvenile will be served by transfer of the case to superior court and shall consider the following factors:

(1) The age of the juvenile;

(2) The maturity of the juvenile;

(3) The intellectual functioning of the juvenile;

(4) The prior record of the juvenile;

(5) Prior attempts to rehabilitate the juvenile;

(6) Facilities or programs available to the court prior to the expiration of the court's jurisdiction under this Subchapter

and the likelihood that the juvenile would benefit from treatment or rehabilitative efforts;

(7) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; and

(8) The seriousness of the offense and whether the protection of the public requires that the juvenile be prosecuted as an adult.

(c) Any order of transfer shall specify the reasons for transfer. When the case is transferred to superior court, the superior court has jurisdiction over that felony, any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that felony, and any greater or lesser included offense of that felony.

(d) If the court does not transfer the case to superior court, the court shall either proceed to an adjudicatory hearing or set a date for that hearing.

"**§ 7B-2204. Right to pretrial release; detention.**

Once the order of transfer has been entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and G.S 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release, the court shall order that the juvenile be detained in a detention facility while awaiting trial. The court may order the juvenile to be held in a holdover facility at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to return the juvenile to the detention facility.

Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Department of Correction shall be ordered. Until such time as the juvenile is transferred to the Department of Correction, the juvenile may be detained in a holdover facility. The juvenile may not be detained in a detention facility pending transfer to the Department of Correction.

The juvenile may be kept by the Department of Correction as a safekeeper until the juvenile is placed in an appropriate correctional program.

"ARTICLE 23.

"Discovery.

"**§ 7B-2300. Disclosure of evidence by petitioner.**

(a) Statement of the Juvenile. -- Upon motion of a juvenile alleged to be delinquent, the court shall order the petitioner:

(1) To permit the juvenile to inspect and copy any relevant written or recorded statements within the possession, custody, or control of the petitioner made by the juvenile or any other party charged in the same action; and

(2) To divulge, in written or recorded form, the substance of any oral statement made by the juvenile or any other party charged in the same action.

(b) Names of Witnesses. -- Upon motion of the juvenile, the court shall order the petitioner to furnish the names of persons to be called as witnesses. A copy of the record of witnesses under the age of 16 shall be provided by the petitioner to the juvenile upon the juvenile's motion if accessible to the petitioner.

(c) Documents and Tangible Objects. -- Upon motion of the juvenile, the court shall order the petitioner to permit the juvenile to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or electronic recordings, tangible objects, or portions thereof:

(1) Which are within the possession, custody, or control of the petitioner, the prosecutor, or any law enforcement officer conducting an investigation of the matter alleged; and

(2) Which are material to the preparation of the defense, are intended for use by the petitioner as evidence, or were obtained from or belong to the juvenile.

(d) Reports of Examinations and Tests. -- Upon motion of a juvenile, the court shall order the petitioner to permit the juvenile to inspect and copy results of physical or mental examinations or of tests, measurements, or experiments made in connection with the case, within the possession, custody, or control of the petitioner. In addition upon motion of a juvenile, the court shall order the petitioner to permit the juvenile to inspect, examine, and test, subject to appropriate safeguards, any physical evidence or a sample of it or tests or experiments made in connection with the evidence in the case if it is available to the petitioner, the prosecutor, or any law enforcement officer conducting an investigation of the matter alleged, and if the petitioner intends to offer the evidence at trial.

(e) Except as provided in subsections (a) through (d) of this section, this Article does not require the production of reports, memoranda, or other internal documents made by the petitioner, law enforcement officers, or other persons acting on behalf of the petitioner in connection with the investigation or prosecution of the case or of statements made by witnesses or the petitioner to anyone acting on behalf of the petitioner.

(f) Nothing in this section prohibits a petitioner from making voluntary disclosures in the interest of justice.

"§ 7B-2301. Disclosure of evidence by juvenile.

(a) Names of Witnesses. -- Upon motion of the petitioner, the court shall order the juvenile to furnish to the petitioner the names of persons to be called as witnesses.

(b) Documents and Tangible Objects. -- If the court grants any relief sought by the juvenile under G.S. 7B-2300, upon motion of the petitioner, the court shall order the juvenile to permit the petitioner to inspect and copy books, papers, documents, photographs, motion pictures, mechanical or

electronic recordings, tangible objects, or portions thereof which are within the possession, custody, or control of the juvenile and which the juvenile intends to introduce in evidence.

(c) Reports of Examinations and Tests. -- If the court grants any relief sought by the juvenile under G.S. 7B-2300, upon motion of the petitioner, the court shall order the juvenile to permit the petitioner to inspect and copy results of physical or mental examinations or of tests, measurements, or experiments made in connection with the case within the possession and control of the juvenile which the juvenile intends to introduce in evidence or which were prepared by a witness whom the juvenile intends to call if the results relate to the witness's testimony. In addition, upon motion of a petitioner, the court shall order the juvenile to permit the petitioner to inspect, examine, and test, subject to appropriate safeguards, any physical evidence or a sample of it if the juvenile intends to offer the evidence or tests or experiments made in connection with the evidence in the case.

"**§ 7B-2302. Regulation of discovery; protective orders.**

(a) Upon written motion of a party and a finding of good cause, the court may at any time order that discovery or inspection be denied, restricted, or deferred.

(b) The court may permit a party seeking relief under subsection (a) of this section to submit supporting affidavits or statements to the court for in camera inspection. If thereafter the court enters an order granting relief under subsection (a) of this section, the material submitted in camera must be available to the Court of Appeals in the event of an appeal.

"**§ 7B-2303. Continuing duty to disclose.**

If a party, subject to compliance with an order issued pursuant to this Article, discovers additional evidence prior to or during the hearing or decides to use additional evidence, and if the evidence is or may be subject to discovery or inspection under this Article, the party shall promptly notify the other party of the existence of the additional evidence or of the name of each additional witness.

"ARTICLE 24.

"Hearing Procedures.

"**§ 7B-2400. Amendment of petition.**

The court may permit a petition to be amended when the amendment does not change the nature of the offense alleged. If a motion to amend is allowed, the juvenile shall be given a reasonable opportunity to prepare a defense to the amended allegations.

"**§ 7B-2401. Determination of incapacity to proceed; evidence; temporary commitment; temporary orders.**

The provisions of G.S. 15A-1001, 15A-1002, and 15A-1003 apply to all cases in which a juvenile is alleged to be delinquent. No juvenile committed under this section may be placed in a situation where the juvenile will come in contact with adults committed for any purpose.

"**§ 7B-2402. Open hearings.**

All hearings authorized or required pursuant to this Subchapter shall be open to the public unless the court closes the hearing or part of the hearing for good cause, upon motion of a party or its own motion. If the court closes the hearing or part of the hearing to the public, the court may allow any victim, member of a victim's family, law enforcement officer, witness or any other person directly involved in the hearing to be present at the hearing.

In determining good cause to close a hearing or part of a hearing, the court shall consider the circumstances of the case, including, but not limited to, the following factors:

(1) The nature of the allegations against the juvenile;
(2) The age and maturity of the juvenile;
(3) The benefit to the juvenile of confidentiality;
(4) The benefit to the public of an open hearing; and
(5) The extent to which the confidentiality of the juvenile's file will be compromised by an open hearing.

No hearing or part of a hearing shall be closed by the court if the juvenile requests that it remain open.

"**§ 7B-2403. Adjudicatory hearing.**

The adjudicatory hearing shall be held within a reasonable time in the district at the time and place the chief district court judge designates.

"**§ 7B-2404. Participation of the prosecutor.**

A prosecutor shall represent the State in contested delinquency hearings including first appearance, detention, probable cause, transfer, adjudicatory, dispositional, probation revocation, post-release supervision, and extended jurisdiction hearings.

"**§ 7B-2405. Conduct of the adjudicatory hearing.**

The adjudicatory hearing shall be a judicial process designed to determine whether the juvenile is undisciplined or delinquent. In the adjudicatory hearing, the court shall protect the following rights of the juvenile and the juvenile's parent, guardian, or custodian to assure due process of law:

(1) The right to written notice of the facts alleged in the petition;
(2) The right to counsel;
(3) The right to confront and cross-examine witnesses;
(4) The privilege against self-incrimination;
(5) The right of discovery; and
(6) All rights afforded adult offenders except the right to bail, the right of self-representation, and the right of trial by jury.

"**§ 7B-2406. Continuances.**

The court for good cause may continue the hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests

of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile.

"§ 7B-2407. When admissions by juvenile may be accepted.

(a) The court may accept an admission from a juvenile only after first addressing the juvenile personally and:

(1) Informing the juvenile that the juvenile has a right to remain silent and that any statement the juvenile makes may be used against the juvenile;

(2) Determining that the juvenile understands the nature of the charge;

(3) Informing the juvenile that the juvenile has a right to deny the allegations;

(4) Informing the juvenile that by the juvenile's admissions the juvenile waives the juvenile's right to be confronted by the witnesses against the juvenile;

(5) Determining that the juvenile is satisfied with the juvenile's representation; and

(6) Informing the juvenile of the most restrictive disposition on the charge.

(b) By inquiring of the prosecutor, the juvenile's attorney, and the juvenile personally, the court shall determine whether there were any prior discussions involving admissions, whether the parties have entered into any arrangement with respect to the admissions and the terms thereof, and whether any improper pressure was exerted. The court may accept an admission from a juvenile only after determining that the admission is a product of informed choice.

(c) The court may accept an admission only after determining that there is a factual basis for the admission. This determination may be based upon any of the following information: a statement of the facts by the prosecutor; a written statement of the juvenile; sworn testimony which may include reliable hearsay; or a statement of facts by the juvenile's attorney.

"§ 7B-2408. Rules of evidence.

If the juvenile denies the allegations of the petition, the court shall proceed in accordance with the rules of evidence applicable to criminal cases. In addition, no statement made by a juvenile to the intake counselor during the preliminary inquiry and evaluation process shall be admissible prior to the dispositional hearing.

"§ 7B-2409. Quantum of proof in adjudicatory hearing.

The allegations of a petition alleging the juvenile is delinquent shall be proved beyond a reasonable doubt. The allegations in a petition alleging undisciplined behavior shall be proved by clear and convincing evidence.

"**§ 7B-2410. Record of proceedings.**

All adjudicatory and dispositional hearings and hearings on probable cause and transfer to superior court shall be recorded by stenographic notes or by electronic or mechanical means. Records shall be reduced to a written transcript only when timely notice of appeal has been given. The court may order that other hearings be recorded.

"**§ 7B-2411. Adjudication.**

If the court finds that the allegations in the petition have been proved as provided in G.S. 7B-2409, the court shall so state. If the court finds that the allegations have not been proved, the court shall dismiss the petition with prejudice and the juvenile shall be released from secure or nonsecure custody if the juvenile is in custody.

"**§ 7B-2412. Legal effect of adjudication of delinquency.**

An adjudication that a juvenile is delinquent or commitment of a juvenile to the Office for placement in a training school shall neither be considered conviction of any criminal offense nor cause the juvenile to forfeit any citizenship rights.

"**§ 7B-2413. Predisposition investigation and report.**

The court shall proceed to the dispositional hearing upon receipt of the predisposition report. A risk and needs assessment, containing information regarding the juvenile's social, medical, psychiatric, psychological, and educational history, as well as any factors indicating the probability of the juvenile committing further delinquent acts, shall be conducted for the juvenile and shall be attached to the predisposition report. In cases where no predisposition report is available and the court makes a written finding that a report is not needed, the court may proceed with the dispositional hearing. No predisposition report shall be submitted to or considered by the court prior to the completion of the adjudicatory hearing. The court shall permit the juvenile to inspect any predisposition report, including any attached risk and needs assessment, to be considered by the court in making the disposition unless the court determines that disclosure would seriously harm the juvenile's treatment or rehabilitation or would violate a promise of confidentiality. Opportunity to offer evidence in rebuttal shall be afforded the juvenile and the juvenile's parent, guardian, or custodian at the dispositional hearing. The court may order counsel not to disclose parts of the report to the juvenile or the juvenile's parent, guardian, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the juvenile or would violate a promise of confidentiality given to a source of information.

"**§ 7B-2414. When jeopardy attaches.**

Jeopardy attaches in an adjudicatory hearing when the court begins to hear evidence.

"ARTICLE 25.

"Dispositions.

"**§ 7B-2500. Purpose.**

The purpose of dispositions in juvenile actions is to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction, including the protection of the public. The court should develop a disposition in each case that:

(1) Promotes public safety;

(2) Emphasizes accountability and responsibility of both the parent, guardian, or custodian and the juvenile for the juvenile's conduct; and

(3) Provides the appropriate consequences, treatment, training, and rehabilitation to assist the juvenile toward becoming a nonoffending, responsible, and productive member of the community.

"**§ 7B-2501. Dispositional hearing.**

(a) The dispositional hearing may be informal, and the court may consider written reports or other evidence concerning the needs of the juvenile.

(b) The juvenile and the juvenile's parent, guardian, or custodian shall have an opportunity to present evidence, and they may advise the court concerning the disposition they believe to be in the best interests of the juvenile.

(c) In choosing among statutorily permissible dispositions, the court shall select the most appropriate disposition both in terms of kind and duration for the delinquent juvenile. Within the guidelines set forth in G.S. 7B-2508, the court shall select a disposition that is designed to protect the public and to meet the needs and best interests of the juvenile, based upon:

(1) The seriousness of the offense;

(2) The need to hold the juvenile accountable;

(3) The importance of protecting the public safety;

(4) The degree of culpability indicated by the circumstances of the particular case; and

(5) The rehabilitative and treatment needs of the juvenile indicated by a risk and needs assessment.

(d) The court may dismiss the case, or continue the case for no more than six months in order to allow the family an opportunity to meet the needs of the juvenile through more adequate home supervision, through placement in a private or specialized school or agency, through placement with a relative, or through some other plan approved by the court.

"**§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.**

(a) In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile. In the case of a juvenile adjudicated delinquent for committing an offense that involves the possession, use, sale, or delivery of alcohol or a controlled substance, the

court shall require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The results of these initial tests conducted pursuant to this subsection shall be used for evaluation and treatment purposes only.

(b) Upon completion of the examination, the court shall conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment and who should pay the cost of the evaluation or treatment. The county manager, or any other person who is designated by the chair of the board of county commissioners, of the county of the juvenile's residence shall be notified of the hearing, and allowed to be heard. If the court finds the juvenile to be in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment, the court shall permit the parent, guardian, custodian, or other responsible persons to arrange for evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make necessary arrangements, the court may order the needed evaluation or treatment, surgery, or care, and the court may order the parent to pay the cost of the care pursuant to Article 27 of this Chapter. If the court finds the parent is unable to pay the cost of evaluation or treatment, the court shall order the county to arrange for evaluation or treatment of the juvenile and to pay for the cost of the evaluation or treatment. The county department of social services shall recommend the facility that will provide the juvenile with evaluation or treatment.

(c) If the court believes, or if there is evidence presented to the effect that the juvenile is mentally ill or is developmentally disabled, the court shall refer the juvenile to the area mental health, developmental disabilities, and substance abuse services director for appropriate action. A juvenile shall not be committed directly to a State hospital or mental retardation center; and orders purporting to commit a juvenile directly to a State hospital or mental retardation center except for an examination to determine capacity to proceed shall be void and of no effect. The area mental health, developmental disabilities, and substance abuse director shall be responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs. If institutionalization is determined to be the best service for the juvenile, admission shall be with the voluntary consent of the parent, guardian, or custodian. If the parent, guardian, or custodian refuses to consent to a mental hospital or retardation center admission after such institutionalization is recommended by the area mental health, developmental disabilities, and substance abuse director, the signature and consent of the court may be substituted for that purpose. In all cases in which a regional mental hospital refuses admission to a juvenile referred for admission by the court and an area mental health, developmental disabilities, and substance abuse director or discharges a

juvenile previously admitted on court referral prior to completion of the juvenile's treatment, the hospital shall submit to the court a written report setting out the reasons for denial of admission or discharge and setting out the juvenile's diagnosis, indications of mental illness, indications of need for treatment, and a statement as to the location of any facility known to have a treatment program for the juvenile in question.

"§ 7B-2503. Dispositional alternatives for undisciplined juveniles.

The following alternatives for disposition shall be available to the court exercising jurisdiction over a juvenile who has been adjudicated undisciplined. The court may combine any of the applicable alternatives when the court finds it to be in the best interests of the juvenile:

(1) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:

a. Require that the juvenile be supervised in the juvenile's own home by a department of social services in the juvenile's county of residence, a court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or

b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or

c. Place the juvenile in the custody of a department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. The director may, unless otherwise ordered by the judge, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable, or unable to act on behalf of the juvenile or juveniles, the director may, unless otherwise ordered by the judge, arrange for, provide or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile placed by a judge or the judge's designee in the custody or physical custody of a county department of social services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the director shall make reasonable efforts to obtain consent from a

parent, guardian, or custodian of the affected juvenile. If the director cannot obtain consent, the director shall promptly notify the parent, guardian, or custodian that care or treatment has been provided and shall give the parent, guardian, or custodian frequent status reports on the circumstances of the juvenile. Upon request of a parent, guardian, or custodian of the affected juvenile, the results or records of the aforementioned evaluations, findings, or treatment shall be made available to the parent, guardian, or custodian by the director unless prohibited by G.S. 122C-53(d).

(2) Place the juvenile under the protective supervision of a court counselor for a period of up to three months, with an extension of an additional three months in the discretion of the court.

(3) Excuse the juvenile from compliance with the compulsory school attendance law when the court finds that suitable alternative plans can be arranged by the family through other community resources for one of the following:

a. An education related to the needs or abilities of the juvenile including vocational education or special education;

b. A suitable plan of supervision or placement; or

c. Some other plan that the court finds to be in the best interests of the juvenile.

"§ 7B-2504. Conditions of protective supervision for undisciplined juveniles.

The court may place a juvenile on protective supervision pursuant to G.S. 7B-2503 so that the court counselor may (i) assist the juvenile in securing social, medical, and educational services and (ii) visit and work with the family as a unit to ensure the juvenile is provided proper supervision and care. The court may impose any combination of the following conditions of protective supervision that are related to the needs of the juvenile, including:

(1) That the juvenile shall remain on good behavior and not violate any laws;

(2) That the juvenile attend school regularly;

(3) That the juvenile maintain passing grades in up to four courses during each grading period and meet with the court counselor and a representative of the school to make a plan for how to maintain those passing grades;

(4) That the juvenile not associate with specified persons or be in specified places;

(5) That the juvenile abide by a prescribed curfew;

(6) That the juvenile report to a court counselor as often as required by a court counselor;

(7) That the juvenile be employed regularly if not attending school; and

(8) That the juvenile satisfy any other conditions determined appropriate by the court.

"§ 7B-2505. Contempt of court for undisciplined juveniles.

Upon motion of the court counselor or on the court's own motion, the court may issue an order directing a juvenile who has been adjudicated undisciplined to appear and show cause why the juvenile should not be held in contempt for willfully failing to comply with an order of the court. The first time the juvenile is held in contempt, the court may order the juvenile confined in an approved detention facility for a period not to exceed 24 hours. The second time the juvenile is held in contempt, the court may order the juvenile confined in an approved detention facility for a period not to exceed three days. The third time and all subsequent times the juvenile is held in contempt, the court may order the juvenile confined in an approved detention facility for a period not to exceed five days. The timing of any confinement under this section shall be determined by the court in its discretion. In no event shall a juvenile held in contempt pursuant to this section be confined for more than 14 days in one 12-month period.

"§ 7B-2506. Dispositional alternatives for delinquent juveniles.

The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may use the following alternatives in accordance with the dispositional structure set forth in G.S. 7B-2508:

(1) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:

a. Require that a juvenile be supervised in the juvenile's own home by the department of social services in the juvenile's county, a court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or

b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or

c. Place the juvenile in the custody of the department of social services in the county of his residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. The director may, unless otherwise ordered by the

judge, arrange for, provide, or consent to, needed routine or emergency medical or surgical care or treatment. In the case where the parent is unknown, unavailable, or unable to act on behalf of the juvenile or juveniles, the director may, unless otherwise ordered by the judge, arrange for, provide, or consent to any psychiatric, psychological, educational, or other remedial evaluations or treatment for the juvenile placed by a judge or his designee in the custody or physical custody of a county department of social services under the authority of this or any other Chapter of the General Statutes. Prior to exercising this authority, the director shall make reasonable efforts to obtain consent from a parent, guardian, or custodian of the affected juvenile. If the director cannot obtain consent, the director shall promptly notify the parent, guardian, or custodian that care or treatment has been provided and shall give the parent, guardian, or custodian frequent status reports on the circumstances of the juvenile. Upon request of a parent, guardian, or custodian of the affected juvenile, the results or records of the aforementioned evaluations, findings, or treatment shall be made available to the parent, guardian, or custodian by the director unless prohibited by G.S. 122C-53(d).

(2) Excuse the juvenile from compliance with the compulsory school attendance law when the court finds that suitable alternative plans can be arranged by the family through other community resources for one of the following:

a. An education related to the needs or abilities of the juvenile including vocational education or special education;

b. A suitable plan of supervision or placement; or

c. Some other plan that the court finds to be in the best interests of the juvenile.

(3) Order the juvenile to cooperate with a community-based program, an intensive substance abuse treatment program, or a residential or nonresidential treatment program. Participation in the programs shall not exceed 12 months.

(4) Require restitution, full or partial, up to five hundred dollars ($500.00), payable within a 12-month period to any person who has suffered loss or damage as a result of the offense committed by the juvenile. The court may determine the amount, terms, and conditions of the restitution. If the

juvenile participated with another person or persons, all participants should be jointly and severally responsible for the payment of restitution; however, the court shall not require the juvenile to make restitution if the juvenile satisfies the court that the juvenile does not have, and could not reasonably acquire, the means to make restitution.

(5) Impose a fine related to the seriousness of the juvenile's offense. If the juvenile has the ability to pay the fine, it shall not exceed the maximum fine for the offense if committed by an adult.

(6) Order the juvenile to perform up to 100 hours supervised community service consistent with the juvenile's age, skill, and ability, specifying the nature of the work and the number of hours required. The work shall be related to the seriousness of the juvenile's offense and in no event may the obligation to work exceed 12 months.

(7) Order the juvenile to participate in the victim- offender reconciliation program.

(8) Place the juvenile on probation under the supervision of a court counselor, as specified in G.S. 7B-2509.

(9) Order that the juvenile shall not be licensed to operate a motor vehicle in the State of North Carolina for as long as the court retains jurisdiction over the juvenile or for any shorter period of time. The clerk of court shall notify the Division of Motor Vehicles of that order.

(10) Impose a curfew upon the juvenile.

(11) Order that the juvenile not associate with specified persons or be in specified places.

(12) Impose confinement on an intermittent basis in an approved detention facility. Confinement shall be limited to not more than five 24-hour periods, the timing of which is determined by the court in its discretion.

(13) Order the juvenile to cooperate with placement in a wilderness program.

(14) Order the juvenile to cooperate with placement in a residential treatment facility, an intensive nonresidential treatment program, an intensive substance abuse program, or in a group home other than a multipurpose group home operated by a State agency.

(15) Place the juvenile on intensive probation under the supervision of a court counselor.

(16) Order the juvenile to cooperate with a supervised day program requiring the juvenile to be present at a specified place for all or part of every day or of certain days. The court also may require the juvenile to comply with any other

reasonable conditions specified in the dispositional order that are designed to facilitate supervision.

(17) Order the juvenile to participate in a regimented training program.

(18) Order the juvenile to submit to house arrest.

(19) Suspend imposition of a more severe, statutorily permissible disposition with the provision that the juvenile meet certain conditions agreed to by the juvenile and specified in the dispositional order. The conditions shall not exceed the allowable dispositions for the level under which disposition is being imposed.

(20) Order that the juvenile be confined in an approved juvenile detention facility for a term of up to 14 24-hour periods, which confinement shall not be imposed consecutively with intermittent confinement pursuant to subdivision (12) of this section at the same dispositional hearing. The timing of this confinement shall be determined by the court in its discretion.

(21) Order the residential placement of a juvenile in a multipurpose group home operated by a State agency.

(22) Require restitution of more than five hundred dollars ($500.00), full or partial, payable within a 12-month period to any person who has suffered loss or damage as a result of an offense committed by the juvenile. The court may determine the amount, terms, and conditions of restitution. If the juvenile participated with another person or persons, all participants should be jointly and severally responsible for the payment of the restitution; however, the court shall not require the juvenile to make restitution if the juvenile satisfies the court that the juvenile does not have, and could not reasonably acquire, the means to make restitution.

(23) Order the juvenile to perform supervised community service of not less than 100 hours and not more than 200 hours, consistent with the juvenile's age, skill, and ability, specifying the nature of work and the number of hours required. The work shall be related to the seriousness of the juvenile's offense.

(24) Commit the juvenile to the Office for placement in a training school in accordance with G.S. 7B-2512 for a period of not less than six months.

"**§ 7B-2507. Delinquency history levels.**

(a) Generally. -- The delinquency history level for a delinquent juvenile is determined by calculating the sum of the points assigned to each of the juvenile's prior adjudications and to the juvenile's probation status, if any, that the court finds to have been proved in accordance with this section.

(b) Points. -- Points are assigned as follows:

(1) For each prior adjudication of a Class A through E felony offense, 4 points.

(2) For each prior adjudication of a Class F through I felony offense or Class A1 misdemeanor offense, 2 points.

(3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1 point.

(4) If the juvenile was on probation at the time of offense, 2 points.

(c) Delinquency History Levels. -- The delinquency history levels are:

(1) Low -- No more than 1 point.

(2) Medium -- At least 2, but not more than 3 points.

(3) High -- At least 4 points.

In determining the delinquency history level, the classification of a prior offense is the classification assigned to that offense at the time the juvenile committed the offense for which disposition is being ordered.

(d) Multiple Prior Adjudications Obtained in One Court Session. -- For purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent for more than one offense in a single session of district court, only the adjudication for the offense with the highest point total is used.

(e) Classification of Prior Adjudications From Other Jurisdictions. -- Except as otherwise provided in this subsection, an adjudication occurring in a jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense classified as a felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the conviction is treated as that class of misdemeanor for assigning delinquency history level points. If the State proves by the preponderance of the evidence that an offense classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the conviction is treated as that class of felony for assigning delinquency history level points. If the State proves by the preponderance of the evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication is treated as a Class A1 misdemeanor for assigning delinquency history level points.

(f) Proof of Prior Adjudications. -- A prior adjudication shall be proved by any of the following methods:

(1) Stipulation of the parties.

(2) An original or copy of the court record of the prior adjudication.

(3) A copy of records maintained by the Division of Criminal Information or by the Office.

(4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior adjudication exists and that the juvenile before the court is the same person as the juvenile named in the prior adjudication. The original or a copy of the court records or a copy of the records maintained by the Division of Criminal Information or of the Office, bearing the same name as that by which the juvenile is charged, is prima facie evidence that the juvenile named is the same person as the juvenile before the court, and that the facts set out in the record are true. For purposes of this subsection, 'a copy' includes a paper writing containing a reproduction of a record maintained electronically on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full record. Evidence presented by either party at trial may be utilized to prove prior adjudications. If asked by the juvenile, the prosecutor shall furnish the juvenile's prior adjudications to the juvenile within a reasonable time sufficient to allow the juvenile to determine if the record available to the prosecutor is accurate.

"§ 7B-2508. Dispositional limits for each class of offense and delinquency history level.

(a) Offense Classification. -- The offense classifications are as follows:

(1) Violent -- Adjudication of a Class A through E felony offense;

(2) Serious -- Adjudication of a Class F through I felony offense or a Class A1 misdemeanor;

(3) Minor -- Adjudication of a Class 1, 2, or 3 misdemeanor.

(b) Delinquency History Levels. -- A delinquency history level shall be determined for each delinquent juvenile as provided in G.S. 7B-2507.

(c) Level 1 -- Community Disposition. -- A court exercising jurisdiction over a juvenile who has been adjudicated delinquent and for whom the dispositional chart in subsection (f) of this section prescribes a Level 1 disposition may provide for evaluation and treatment under G.S. 7B-2502 and for any of the dispositional alternatives contained in subdivisions (1) through (13) of G.S. 7B-2506. In determining which dispositional alternative is appropriate, the court shall consider the needs of the juvenile as indicated by the risk and needs assessment contained in the predisposition report, the appropriate community resources available to meet those needs, and the protection of the public.

(d) Level 2 -- Intermediate Disposition. -- A court exercising jurisdiction over a juvenile who has been adjudicated delinquent and for whom the dispositional chart in subsection (f) of this section prescribes a Level 2 disposition may provide for evaluation and treatment under G.S. 7B-2502 and for any of the dispositional alternatives contained in

subdivisions (1) through (23) of G.S. 7B-2506, but shall provide for at least one of the intermediate dispositions authorized in subdivisions (13) through (23) of G.S. 7B-2506. However, notwithstanding any other provision of this section, a court may impose a Level 3 disposition if the juvenile has previously received a Level 3 disposition in a prior juvenile action. In determining which dispositional alternative is appropriate, the court shall consider the needs of the juvenile as indicated by the risk and needs assessment contained in the predisposition report, the appropriate community resources available to meet those needs, and the protection of the public.

(e) Level 3 -- Commitment. -- A court exercising jurisdiction over a juvenile who has been adjudicated delinquent and for whom the dispositional chart in subsection (f) of this section prescribes a Level 3 disposition shall commit the juvenile to the Office for placement in a training school in accordance with G.S. 7B-2506(24). However, a court may impose a Level 2 disposition rather than a Level 3 disposition if the court submits written findings on the record that substantiate extraordinary needs on the part of the offending juvenile.

(f) Dispositions for Each Class of Offense and Delinquency History Level; Disposition Chart Described. -- The authorized disposition for each class of offense and delinquency history level is as specified in the chart below. Delinquency history levels are indicated horizontally on the top of the chart. Classes of offense are indicated vertically on the left side of the chart. Each cell on the chart indicates which of the dispositional levels described in subsections (c) through (e) of this section are prescribed for that combination of offense classification and delinquency history level:

	DELINQUENCY HISTORY		
OFFENSE	LOW	MEDIUM	HIGH
VIOLENT	Level 2 or 3	Level 3	Level 3
SERIOUS	Level 1 or 2	Level 2	Level 2 or 3
MINOR	Level 1	Level 1 or 2	Level 2.

(g) Notwithstanding subsection (f) of this section, a juvenile who has been adjudicated for a minor offense may be committed to a Level 3 disposition if the juvenile has been adjudicated of four or more prior offenses. For purposes of determining the number of prior offenses under this subsection, each successive offense is one that was committed after adjudication of the preceding offense.

(h) If a juvenile is adjudicated of more than one offense during a session of juvenile court, the court shall consolidate the offenses for

disposition and impose a single disposition for the consolidated offenses. The disposition shall be specified for the class of offense and delinquency history level of the most serious offense.

"**§ 7B-2509. Conditions of probation; violation of probation.**

(a) In any case where a juvenile is placed on probation pursuant to G.S. 7B-2506(8), the court counselor shall have the authority to visit the juvenile where the juvenile resides. The court may impose conditions of probation that are related to the needs of the juvenile and that are reasonably necessary to ensure that the juvenile will lead a law-abiding life, including:

(1) That the juvenile shall remain on good behavior.

(2) That the juvenile shall not violate any laws.

(3) That the juvenile shall not violate any reasonable and lawful rules of a parent, guardian, or custodian.

(4) That the juvenile attend school regularly.

(5) That the juvenile maintain passing grades in up to four courses during each grading period and meet with the court counselor and a representative of the school to make a plan for how to maintain those passing grades.

(6) That the juvenile not associate with specified persons or be in specified places.

(7) That the juvenile:

a. Refrain from use or possession of any controlled substance included in any schedule of Article 5 of Chapter 90 of the General Statutes, the Controlled Substances Act;

b. Refrain from use or possession of any alcoholic beverage regulated under Chapter 18B of the General Statutes; and

c. Submit to random drug testing.

(8) That the juvenile abide by a prescribed curfew.

(9) That the juvenile submit to a warrantless search at reasonable times.

(10) That the juvenile possess no firearm, explosive device, or other deadly weapon.

(11) That the juvenile report to a court counselor as often as required by the court counselor.

(12) That the juvenile make specified financial restitution or pay a fine in accordance with G.S. 7B-2506(4), (5), and (22).

(13) That the juvenile be employed regularly if not attending school.

(14) That the juvenile satisfy any other conditions determined appropriate by the court.

(b) In addition to the regular conditions of probation specified in subsection (a) of this section, the court may, at a dispositional hearing or

any subsequent hearing, order the juvenile to comply, if directed to comply by the chief court counselor, with one or more of the following conditions:

(1) Perform up to 20 hours of community service;

(2) Submit to substance abuse monitoring and treatment;

(3) Participate in a life skills or an educational skills program administered by the Office;

(4) Cooperate with electronic monitoring; and

(5) Cooperate with intensive supervision.

However, the court shall not give the chief court counselor discretion to impose the conditions of either subsection (4) or (5) of this section unless the juvenile is subject to Level 2 dispositions pursuant to G.S. 7B-2508 or subsection (d) of this section.

(c) An order of probation shall remain in force for a period not to exceed one year from the date entered. Prior to expiration of an order of probation, the court may extend it for an additional period of one year after a hearing, if the court finds that the extension is necessary to protect the community or to safeguard the welfare of the juvenile.

(d) On motion of the court counselor or the juvenile, or on the court's own motion, the court may review the progress of any juvenile on probation at any time during the period of probation or at the end of probation. The conditions or duration of probation may be modified only as provided in this Subchapter and only after notice and a hearing.

(e) If the court, after notice and a hearing, finds by the greater weight of the evidence that the juvenile has violated the conditions of probation set by the court, the court may continue the original conditions of probation, modify the conditions of probation, or, except as provided in subsection (f) of this section, order a new disposition at the next higher level on the disposition chart in G.S. 7B-2508. In the court's discretion, part of the new disposition may include an order of confinement in a secure juvenile detention facility for up to twice the term authorized by G.S. 7B-2508.

(f) A court shall not order a Level 3 disposition for violation of the conditions of probation by a juvenile adjudicated delinquent for an offense classified as minor under G.S. 7B-2508.

"§ 7B-2510. Termination of probation.

At the end of or at any time during probation, the court may terminate probation by written order upon finding that there is no further need for supervision. The finding and order terminating probation may be entered in chambers in the absence of the juvenile and may be based on a report from the court counselor or, at the election of the court, the order may be entered with the juvenile present after notice and a hearing.

"§ 7B-2511. Dispositional order.

The dispositional order shall be in writing and shall contain appropriate findings of fact and conclusions of law. The court shall state with particularity, both orally and in the written order of disposition, the precise terms of the disposition including the kind, duration, and the person who is

responsible for carrying out the disposition and the person or agency in whom custody is vested.

"**§ 7B-2512. Commitment of delinquent juvenile to Office.**

(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent juvenile who is at least 10 years of age to the Office for placement in a training school. Commitment shall be for an indefinite term of at least six months. In no event shall the term exceed:

(1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Office for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult;

(2) The nineteenth birthday of the juvenile if the juvenile has been committed to the Office for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subdivision (1) of this subsection; or

(3) The eighteenth birthday of the juvenile if the juvenile has been committed to the Office for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

No juvenile shall be committed to a training school beyond the minimum six-month commitment for a period of time in excess of the maximum term of imprisonment for which an adult in prior record level VI for felonies or in prior conviction level III for misdemeanors could be sentenced for the same offense, except when the Office pursuant to G.S. 7B-2514 determines that the juvenile's commitment needs to be continued for an additional period of time to continue care or treatment under the plan of care or treatment developed under subsection (f) of this section. At the time of commitment to a training school, the court shall determine the maximum period of time the juvenile may remain committed before a determination must be made by the Office pursuant to G.S. 7B-2514 and shall notify the juvenile of that determination.

(b) The court may commit a juvenile to a definite term of not less than six months and not more than two years if the court finds that the juvenile is 14 years of age or older, has been previously adjudicated delinquent for two or more felony offenses, and has been previously committed to a training school.

(c) The chief court counselor shall have the responsibility for transporting the juvenile to the training school designated by the Office. The juvenile shall be accompanied to the training school by a person of the same sex.

(d) The chief court counselor shall ensure that the records requested by the Office accompany the juvenile upon transportation for admittance to a training school or, if not obtainable at the time of admission, are sent to the

training school within 15 days of the admission. If records requested by the Office for admission do not exist, to the best knowledge of the chief court counselor, the chief court counselor shall so stipulate in writing to the training school. If such records do exist, but the chief court counselor is unable to obtain copies of them, a district court may order that the records from public agencies be made available to the training school. Records that are confidential by law shall remain confidential and the Office shall be bound by the specific laws governing the confidentiality of these records. All records shall be used in a manner consistent with the best interests of the juvenile.

(e) A commitment order accompanied by information requested by the Office shall be forwarded to the Office. The Office shall place the juvenile in the training school that would best provide for the juvenile's needs and shall notify the committing court. The Office may assign a juvenile committed for delinquency to any institution or other program of the Office or licensed by the Office, which program is appropriate to the needs of the juvenile.

(f) When the court commits a juvenile to the Office for placement in a training school, the Office shall prepare a plan for care or treatment within 30 days after assuming custody of the juvenile.

(g) Commitment of a juvenile to the Office for placement in a training school does not terminate the court's continuing jurisdiction over the juvenile and the juvenile's parent, guardian, or custodian. Commitment of a juvenile to the Office for placement in a training school transfers only physical custody of the juvenile. Legal custody remains with the parent, guardian, custodian, agency, or institution in whom it was vested.

(h) Pending placement of a juvenile with the Office, the court may house a juvenile who has been adjudicated guilty of a delinquent act that would be a Class A, B1, B2, C, D, or E felony if committed by an adult in a holdover facility up to 72 hours if the court, based on the information provided by the court counselor, determines that no acceptable alternative placement is available and the protection of the public requires that the juvenile be housed in a holdover facility.

(i) A juvenile who is committed to the Office for placement in a training school shall be tested for the use of controlled substances or alcohol. The results of this initial test shall be incorporated into the plan of care as provided in subsection (f) of this section and used for evaluation and treatment purposes only.

(j) When a juvenile is committed to the Office for placement in a training school for an offense that would have been a Class A or B1 felony if committed by an adult, the chief court counselor shall notify the victim and members of the victim's immediate family that the victim, or the victim's immediate family members may request in writing to be notified in advance of the juvenile's scheduled release date in accordance with G.S. 7B-2513(d).

"**§ 7B-2513. Post-release supervision planning; release.**

(a) The Office shall be responsible for evaluation of the progress of each juvenile at least once every six months as long as the juvenile remains in the care of the Office. Any determination that the juvenile should remain in the care of the Office for an additional period of time shall be based on the Office's determination that the juvenile requires additional treatment or rehabilitation pursuant to G.S. 7B-2514. If the Office determines that a juvenile is ready for release, the Office shall initiate a post-release supervision planning process. The post-release supervision planning process shall be defined by rules and regulations of the Office, but shall include the following:

(1) Written notification shall be given to the court that ordered commitment.

(2) A post-release supervision planning conference shall be held involving as many as possible of the following: the juvenile, the juvenile's parent, guardian, or custodian, court counselors who have supervised the juvenile on probation or will supervise the juvenile on post-release supervision, and staff of the facility that found the juvenile ready for release. The planning conference shall include personal contact and evaluation rather than telephonic notification.

(3) The planning conference participants shall consider, based on the individual needs of the juvenile and pursuant to rules adopted by the Office, placement of the juvenile in any program under the auspices of the Office, including the juvenile court services programs that, in the judgment of the Office, would be appropriate transitional placement, pending release under G.S. 7B-2512.

(b) The Office shall develop the plan in writing and base the terms on the needs of the juvenile and the protection of the public. Every plan shall require the juvenile to complete at least 90 days, but not more than one year, of post-release supervision.

(c) The Office shall release a juvenile under a plan of post- release supervision at least 90 days prior to:

(1) Completion of the juvenile's definite term of commitment; or

(2) The juvenile's twenty-first birthday if the juvenile has been committed to the Office for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult.

(3) The juvenile's nineteenth birthday if the juvenile has been committed to the Office for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a).

(4) The juvenile's eighteenth birthday if the juvenile has been committed to the Office for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(d) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, at least 45 days before releasing to post-release supervision a juvenile who was committed for a Class A or B1 felony, the Office shall notify, by first-class mail at the last known address:

(1) The juvenile;

(2) The juvenile's parent, guardian, or custodian;

(3) The district attorney of the district where the juvenile was adjudicated;

(4) The head of the enforcement agency that took the juvenile into custody; and

(5) The victim and any of the victim's immediate family members who have requested in writing to be notified.

The notification shall include only the juvenile's name, offense, date of commitment, and date proposed for release. A copy of the notice shall be sent to the appropriate clerk of superior court for placement in the juvenile's court file.

(e) The Office may release a juvenile under an indefinite commitment to post-release supervision only after the juvenile has been committed to the Office for placement in a training school for a period of at least six months.

(f) A juvenile committed to the Office for placement in a training school for a definite term shall receive credit toward that term for the time the juvenile spends on post-release supervision.

(g) A juvenile on post-release supervision shall be supervised by a court counselor. Post-release supervision shall be terminated by order of the court.

"**§ 7B-2514. Notification of extended commitment; plan of treatment.**

(a) If the Office does not intend to release the juvenile prior to the juvenile's eighteenth birthday, or if the Office determines that the juvenile's commitment should be continued beyond the maximum commitment period as set forth in G.S. 7B- 2512(a), the Office shall notify the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in advance of the juvenile's eighteenth birthday or the end of the maximum commitment period, of the additional specific commitment period proposed by the Office, the basis for extending the commitment period, and the plan for future care or treatment.

(b) The Office shall modify the plan of care or treatment developed pursuant to G.S. 7B-2512(f) to specify (i) the specific goals and outcomes that require additional time for care or treatment of the juvenile; (ii) the specific course of treatment or care that will be implemented to achieve the established goals and outcomes; and (iii) the efforts that will be taken to assist the juvenile's family in creating an environment that will increase the

likelihood that the efforts to treat and rehabilitate the juvenile will be successful upon release. If appropriate, the Office may place the juvenile in a setting other than a training school.

(c) The juvenile and the juvenile's parent, guardian, or custodian may request a review by the court of the Office's decision to extend the juvenile's commitment beyond the juvenile's eighteenth birthday or maximum commitment period, in which case the court shall conduct a review hearing. The court may modify the Office's decision and the juvenile's maximum commitment period. If the juvenile or the juvenile's parent, guardian, or custodian does not request a review of the Office's decision, the Office's decision shall become the juvenile's new maximum commitment period.

"**§ 7B-2515. Revocation of post-release supervision.**

On motion of the court counselor providing post-release supervision or motion of the juvenile, or on the court's own motion, and after notice, the court may hold a hearing to review the progress of any juvenile on post-release supervision at any time during the period of post-release supervision. With respect to any hearing involving allegations that the juvenile has violated the terms of post-release supervision, the juvenile:

(1) Shall have reasonable notice in writing of the nature and content of the allegations in the motion, including notice that the purpose of the hearing is to determine whether the juvenile has violated the terms of post-release supervision to the extent that post-release supervision should be revoked;

(2) Shall be represented by an attorney at the hearing;

(3) Shall have the right to confront and cross-examine witnesses; and

(4) May admit, deny, or explain the violation alleged and may present proof, including affidavits or other evidence, in support of the juvenile's contentions. A record of the proceeding shall be made and preserved in the juvenile's record.

If the court determines by the greater weight of the evidence that the juvenile has violated the terms of post-release supervision, the court may revoke the post-release supervision or make any other disposition authorized by this Subchapter.

If the court revokes post-release supervision, the juvenile shall be returned to the Office for placement in a training school for an indefinite term of at least 90 days, provided, however, that no juvenile shall remain committed to the Office for placement in a training school past:

(1) The juvenile's twenty-first birthday if the juvenile has been committed to the Office for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult.

(2) The juvenile's nineteenth birthday if the juvenile has been committed to the Office for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a).

(3) The juvenile's eighteenth birthday if the juvenile has been committed to the Office for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

"§ 7B-2516. Transfer authority of Governor.

The Governor may order transfer of any person less than 18 years of age from any jail or penal facility of the State to one of the residential facilities operated by the Office in appropriate circumstances, provided the Governor shall consult with the Office concerning the feasibility of the transfer in terms of available space, staff, and suitability of program.

When an inmate, committed to the Department of Correction, is transferred by the Governor to a residential program operated by the Office, the Office may release the juvenile based on the needs of the juvenile and the best interests of the State. Transfer shall not divest the probation or parole officer of the officer's responsibility to supervise the inmate on release.

"ARTICLE 26.

"Modification and Enforcement of Dispositional Orders; Appeals.

"§ 7B-2600. Authority to modify or vacate.

(a) Upon motion in the cause or petition, and after notice, the court may conduct a review hearing to determine whether the order of the court is in the best interests of the juvenile, and the court may modify or vacate the order in light of changes in circumstances or the needs of the juvenile.

(b) In a case of delinquency, the court may reduce the nature or the duration of the disposition on the basis that it was imposed in an illegal manner or is unduly severe with reference to the seriousness of the offense, the culpability of the juvenile, or the dispositions given to juveniles convicted of similar offenses.

(c) In any case where the court finds the juvenile to be delinquent or undisciplined, the jurisdiction of the court to modify any order or disposition made in the case shall continue (i) during the minority of the juvenile, (ii) until the juvenile reaches the age of 19 years if the juvenile has been adjudicated delinquent and committed to the Office for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has been adjudicated delinquent and committed for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual offense pursuant to G.S. 14-27.4 if committed by an adult, or (iv) until terminated by order of the court.

"§ 7B-2601. Request for modification for lack of suitable services.

If the Office finds that any juvenile committed to the Office's care is not suitable for its program, the Office may make a motion in the cause so that the court may make an alternative disposition that is consistent with G.S. 7B-2508.

"**§ 7B-2602. Right to appeal.**

Upon motion of a proper party as defined in G.S. 7B-2604, review of any final order of the court in a juvenile matter under this Article shall be before the Court of Appeals. Notice of appeal shall be given in open court at the time of the hearing or in writing within 10 days after entry of the order. However, if no disposition is made within 60 days after entry of the order, written notice of appeal may be given within 70 days after such entry. A final order shall include:

(1) Any order finding absence of jurisdiction;

(2) Any order which in effect determines the action and prevents a judgment from which appeal might be taken;

(3) Any order of disposition after an adjudication that a juvenile is delinquent or undisciplined; or

(4) Any order modifying custodial rights.

"**§ 7B-2603. Right to appeal transfer decision.**

(a) Notwithstanding G.S. 7B-2602, any order transferring jurisdiction of the district court in a juvenile matter to the superior court may be appealed to the superior court for a hearing on the record. Notice of the appeal must be given in open court or in writing within 10 days after the transfer hearing in the district court. A juvenile who fails to appeal the transfer order to the superior court waives the right to raise the issue of transfer before the Court of Appeals until final disposition of the matter in superior court. The clerk of superior court shall provide the district attorney with a copy of any written notice of appeal filed by the attorney for the juvenile. Upon expiration of the 10 day period in which an appeal may be entered, if an appeal has been entered and not withdrawn, the clerk shall transfer the case to the superior court docket. The superior court shall, within a reasonable time, review the record of the transfer hearing for abuse of discretion by the juvenile court in the issue of transfer. The superior court shall not review the findings as to probable cause for the underlying offense.

(b) Once an order of transfer has been entered by the district court, the juvenile has the right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release, the court shall order that the juvenile be detained in a detention facility while awaiting trial. The court may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to return the juvenile to the detention facility.

(c) If an appeal of the transfer order is taken, the superior court shall enter an order either (i) remanding the case to the juvenile court for adjudication or (ii) upholding the transfer order. If the superior court remands the case to juvenile court for adjudication and the juvenile has been granted pretrial release provided in G.S 15A-533 and G.S. 15A-534, the obligor shall be released from the juvenile's bond upon the district court's review of whether the juvenile shall be placed in secure or nonsecure custody as provided in G.S. 7B-1903.

(d) The superior court order shall be an interlocutory order, and the issue of transfer may be appealed to the Court of Appeals only after the juvenile has been convicted in superior court.

"§ 7B-2604. Proper parties for appeal.

An appeal may be taken by the juvenile, the juvenile's parent, guardian, or custodian, or the State. The State's appeal is limited to the following orders in delinquency or undisciplined cases:

(1) An order finding a State statute to be unconstitutional; and

(2) Any order which terminates the prosecution of a petition by upholding the defense of double jeopardy, by holding that a cause of action is not stated under a statute, or by granting a motion to suppress.

"§ 7B-2605. Disposition pending appeal.

Pending disposition of an appeal, the release of the juvenile, with or without conditions, should issue in every case unless the court orders otherwise. For compelling reasons which must be stated in writing, the court may enter a temporary order affecting the custody or placement of the juvenile as the court finds to be in the best interests of the juvenile or the State.

"§ 7B-2606. Disposition after appeal.

Upon the affirmation of the order of adjudication or disposition of the court by the Court of Appeals or by the Supreme Court in the event of an appeal, the court shall have authority to modify or alter the original order of adjudication or disposition as the court finds to be in the best interests of the juvenile to reflect any adjustment made by the juvenile or change in circumstances during the period of time the appeal was pending. If the modifying order is entered ex parte, the court shall give notice to interested parties to show cause within 10 days thereafter as to why the modifying order should be vacated or altered.

"ARTICLE 27.

"Authority Over Parents of Juveniles Adjudicated Delinquent or Undisciplined.

"§ 7B-2700. Appearance in court.

The parent, guardian, or custodian of a juvenile under the jurisdiction of the juvenile court shall attend the hearings of which the parent, guardian, or custodian receives notice. The court may excuse the appearance of either or both parents or the guardian or custodian at a particular hearing or all

hearings. Unless so excused, the willful failure of a parent, guardian, or custodian to attend a hearing of which the parent, guardian, or custodian has notice shall be grounds for contempt.

"§ 7B-2701. Parental responsibility classes.

The court may order the parent, guardian, or custodian of a juvenile who has been adjudicated undisciplined or delinquent to attend parental responsibility classes if those classes are available in the judicial district in which the parent, guardian, or custodian resides.

"§ 7B-2702. Medical, surgical, psychiatric, or psychological evaluation or treatment of juvenile or parent.

(a) If the court orders medical, surgical, psychiatric, psychological, or other evaluation or treatment pursuant to G.S. 7B-2502, the court may order the parent or other responsible parties to pay the cost of the treatment or care ordered.

(b) At the dispositional hearing or a subsequent hearing, if the court finds that it is in the best interests of the juvenile for the parent to be directly involved in the juvenile's evaluation or treatment, the court may order that person to participate in medical, psychiatric, psychological, or other evaluation or treatment of the juvenile. The cost of the evaluation or treatment shall be paid pursuant to G.S. 7B-2502.

(c) At the dispositional hearing or a subsequent hearing, the court may determine whether the best interests of the juvenile require that the parent undergo psychiatric, psychological, or other evaluation or treatment or counseling directed toward remedying behaviors or conditions that led to or contributed to the juvenile's adjudication or to the court's decision to remove custody of the juvenile from the parent. If the court finds that the best interests of the juvenile require the parent undergo evaluation or treatment, it may order that person to comply with a plan of evaluation or treatment approved by the court or condition legal custody or physical placement of the juvenile with the parent upon that person's compliance with the plan of evaluation or treatment.

(d) In cases in which the court has ordered the parent of the juvenile to comply with or undergo evaluation or treatment, the court may order the parent to pay the cost of evaluation or treatment ordered pursuant to this subsection. In cases in which the court has conditioned legal custody or physical placement of the juvenile with the parent upon the parent's compliance with a plan of evaluation or treatment, the court may charge the cost of the evaluation or treatment to the county of the juvenile's residence if the court finds the parent is unable to pay the cost of the evaluation or treatment. In all other cases, if the court finds the parent is unable to pay the cost of the evaluation or treatment ordered pursuant to this subsection, the court may order the parent to receive evaluation or treatment currently available from the area mental health program that serves the parent's catchment area.

"**§ 7B-2703. Compliance with orders of court.**

(a) The court may order the parent, guardian, or custodian, to the extent that person is able to do so, to provide transportation for a juvenile to keep an appointment with a court counselor or to comply with other orders of the court.

(b) The court may order a parent, guardian, or custodian to cooperate with and assist the juvenile in complying with the terms and conditions of probation or other orders of the court.

"**§ 7B-2704. Payment of support or other expenses; assignment of insurance coverage.**

At the dispositional hearing or a subsequent hearing, if the court finds that the parent is able to do so, the court may order the parent to:

(1) Pay a reasonable sum that will cover in whole or in part the support of the juvenile. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4;

(2) Pay a fee for probation supervision or residential facility costs;

(3) Assign private insurance coverage to cover medical costs while the juvenile is in secure detention, training school, or other out-of-home placement; and

(4) Pay court-appointed attorneys' fees.

All money paid by a parent pursuant to this section shall be paid into the office of the clerk of superior court.

If the court places a juvenile in the custody of a county department of social services and if the court finds that the parent is unable to pay the cost of the support required by the juvenile, the cost shall be paid by the county department of social services in whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned or operated by the State or federal government or any subdivision thereof.

"**§ 7B-2705. Employment discrimination unlawful.**

No employer may discharge, demote, or deny a promotion or other benefit of employment to any employee because the employee complies with the provisions of this Article. The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to that Article.

"**§ 7B-2706. Contempt for failure to comply.**

Upon motion of the court counselor or prosecutor or upon the court's own motion, the court may issue an order directing the parent, guardian, or custodian to appear and show cause why the parent, guardian, or custodian should not be found or held in civil or criminal contempt for willfully failing to comply with an order of the court. Chapter 5A of the General Statutes shall govern contempt proceedings initiated pursuant to this Article.

"ARTICLE 28.

"Interstate Compact on Juveniles.

"§ 7B-2800. Execution of Compact.

The Governor is hereby authorized and directed to execute a Compact on behalf of this State with any other state or states legally joining therein in the form substantially as follows: The contracting states solemnly agree.

"§ 7B-2801. Findings and purposes.

Juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others. The cooperation of the states party to this Compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to:

(1) Cooperative supervision of delinquent juveniles on probation or parole;

(2) The return, from one state to another, of delinquent juveniles who have escaped or absconded;

(3) The return, from one state to another, of nondelinquent juveniles who have run away from home; and

(4) Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively.

In carrying out the provisions of this Compact, the party states shall be guided by the noncriminal, reformative, and protective policies which guide their laws concerning delinquent, neglected, or dependent juveniles generally. It shall be the policy of the states party to this Compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this Compact. The provisions of this Compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

"§ 7B-2802. Existing rights and remedies.

All remedies and procedures provided by this Compact are in addition to and not in substitution for other rights, remedies, and procedures and are not in derogation of parental rights and responsibilities.

"§ 7B-2803. Definitions.

For the purposes of this Compact, 'delinquent juvenile' means any juvenile who has been adjudged delinquent and who, at the time the provisions of this Compact are invoked, is still subject to the jurisdiction of the court that has made adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of the court; 'probation or parole' means any kind of post-release supervision of juveniles authorized under the laws of the states party hereto; 'court' means any court having jurisdiction over delinquent, neglected, or dependent juveniles; 'state' means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and 'residence' or any

variant thereof means a place at which a home or regular place of abode is maintained.

"§ 7B-2804. Return of runaways.

(a) The parent, guardian, person, or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of the parent, guardian, person, or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile's return. The petition shall state the name and age of the juvenile, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of the running away, the juvenile's location if known at the time application is made, and any other facts that may tend to show that the juvenile who has run away is endangering the juvenile's own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Any further affidavits and other documents as may be deemed proper may be submitted with the petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this Compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interests of the juvenile to compel the juvenile's return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of the juvenile. The requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person, or agency entitled to legal custody, and that it is in the best interests and for the protection of the juvenile that the juvenile be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected, or dependent juvenile is pending in the court at the time when the juvenile runs away, the court may issue a requisition for the return of the juvenile upon its own motion, regardless of the consent of the parent, guardian, person, or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the Compact Administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other

appropriate person directing that person to take into custody and detain the juvenile. The detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon the order shall be delivered over to the officer whom the court has appointed to receive the juvenile unless the juvenile first is taken before a judge of a court in the state, who shall inform the juvenile of the demand made for the juvenile's return, and who may appoint counsel or guardian ad litem for the juvenile. If the court finds that the requisition is in order, the court shall deliver the juvenile over to the officer appointed to receive the juvenile by the court demanding the juvenile. The court, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this Compact without the consent of a parent, guardian, person, or agency entitled to legal custody, the juvenile may be taken into custody without a requisition and brought before a judge of the appropriate court who may appoint counsel or guardian ad litem for the juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the juvenile's own protection and welfare, for such a time not exceeding 90 days as will enable the return of the juvenile to another state party to this Compact pursuant to a requisition for return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found, any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in the state, or if the juvenile is suspected of having committed within the state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of the state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for the offense or juvenile delinquency. The duly accredited officers of any state party to this Compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport the juvenile through any and all states party to this Compact, without interference. Upon return of the juvenile to the state from which the juvenile ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) The state to which the juvenile is returned under this Article shall be responsible for payment of the transportation costs of return.

(c) The term 'juvenile' as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person, or agency entitled to the legal custody of the minor.

"**§ 7B-2805. Return of escapees and absconders.**

(a) The appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody a delinquent juvenile has escaped shall present to the appropriate

court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of the delinquent juvenile. The requisition shall state the name and age of the delinquent juvenile, the particulars of the juvenile's adjudication as a delinquent juvenile, the circumstances of the breach of the terms of probation or parole or of the juvenile's escape from an institution or agency vested with legal custody or supervision, and the location of the delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects the delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Any further affidavits and documents as may be deemed proper may be submitted with the requisition. One copy of the requisition shall be filed with the Compact Administrator of the demanding state, there to remain on file subject to the provisions of the law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the person to take into custody and detain such delinquent juvenile. The detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon the order shall be delivered over to the officer whom the appropriate person or authority demanding the juvenile has appointed to receive the juvenile, unless the juvenile is first taken forthwith before a judge of an appropriate court in the state, who shall inform the juvenile of the demand made for the return, and who may appoint counsel or guardian ad litem for the juvenile. If the judge of the court finds that the requisition is in order, the judge shall deliver the delinquent juvenile over to the officer whom the appropriate person or authority demanding the juvenile appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with legal custody or supervision in any state party to this Compact, the person may be taken into custody in any other state party to this Compact without a requisition. But in that event, the juvenile shall be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for the person and who shall determine after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for a length of time, not exceeding 90 days, as will enable detention of the juvenile under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent who has either absconded while on probation or parole or escaped from an institution or agency vested with legal custody or

supervision, there is pending in the state wherein the juvenile is detained any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in the state, or if the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency within the state, the juvenile shall not be returned without the consent of the state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for the offense or juvenile delinquency. The duly accredited officers of any state party to this Compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport the delinquent juvenile through any and all states party to this Compact, without interference. Upon return to the state from which the juvenile escaped or absconded, the delinquent juvenile shall be subject to any further proceedings appropriate under the laws of that state.

(b) The state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of transportation costs of the return.

"**§ 7B-2806. Voluntary return procedure.**

Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with legal custody or supervision in any state party to this Compact, and any juvenile who has run away from any state party to this Compact, who is taken into custody without a requisition in another state party to this Compact under the provisions of G.S. 7B-2804(a) or G.S. 7B-2805(a), may consent to the immediate return of the juvenile to the state from which the juvenile absconded, escaped, or ran away. Consent shall be given by the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem, if any, by executing or subscribing a writing in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem, if any, consent to return of the juvenile to the demanding state. Before consent is executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of the juvenile's rights under this Compact. When the consent has been duly executed, it shall be forwarded to and filed with the Compact Administrator of the state in which the court is located, and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver the juvenile to the duly accredited officer or officers of the state demanding return of the juvenile and shall cause to be delivered to the officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order the juvenile to return unaccompanied to the state and shall provide the juvenile with a copy of the court order; in that event a copy of the consent shall be forwarded to the Compact Administrator of the state to which the juvenile or delinquent juvenile is ordered to return.

"**§ 7B-2807. Cooperative supervision of probationers and parolees.**

(a) That the duly constituted judicial and administrative authorities of a state party to this Compact (herein called 'sending state') may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this Compact (herein called 'receiving state') while on probation or parole, and the receiving state shall accept the delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting permission, opportunity shall be given to the receiving state to make investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies, and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this Compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted, the sending state may transfer the supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning the delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any delinquent juvenile on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against the juvenile within the receiving state any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for any act committed in the state or if the juvenile is suspected of having committed within the state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for the offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this Compact without interference.

(d) The sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

"§ 7B-2808. Responsibility for costs.

(a) The provisions of G.S. 7B-2804(b), 7B-2805(b), and 7B- 2807(d) shall not be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs or responsibilities therefor.

(b) Nothing in this Compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency, or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to G.S. 7B-2804(b), 7B-2805(b), and 7B- 2807(d).

"§ 7B-2809. Detention practices.

To every extent possible, it shall be the policy of states party to this Compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail, or lockup, nor be detained or transported in association with criminal, vicious, or dissolute persons.

"§ 7B-2810. Supplementary agreements.

The duly constituted administrative authorities of a state party to this Compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they find that the agreements will improve the facilities or programs available for care, treatment, and rehabilitation. Care, treatment, and rehabilitation may be provided in an institution located within any state entering into a supplementary agreement. Supplementary agreements shall:

(1) Provide the rates to be paid for the care, treatment, and custody of delinquent juveniles taking into consideration the character of facilities, services, and subsistence furnished;

(2) Provide that the delinquent juvenile shall be given a court hearing prior to the juvenile being sent to another state for care, treatment, and custody;

(3) Provide that the state receiving a delinquent juvenile in one of its institutions shall act solely as agent for the state sending the delinquent juvenile;

(4) Provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state;

(5) Provide for reasonable inspection of the institutions by the sending state;

(6) Provide that the consent of the parent, guardian, person, or agency entitled to the legal custody of the delinquent

juvenile shall be secured prior to the juvenile being sent to another state; and

(7) Make provisions for any other matters and details as shall be necessary to protect the rights and equities of delinquent juveniles and of the cooperating states.

"§ 7B-2811. Acceptance of federal and other aid.

Any state party to this Compact may accept any and all donations, gifts, and grants of money, equipment, and services from the federal or any local government, or any agency thereof and from any person, firm, or corporation, for any of the purposes and functions of this Compact, and may receive and utilize, the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

"§ 7B-2812. Compact administrators.

The governor of each state party to this Compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more efficiently the terms and provisions of this Compact.

"§ 7B-2813. Execution of Compact.

This Compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within the state, the form of execution to be in accordance with the laws of the executing state.

"§ 7B-2814. Renunciation.

This Compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this Compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the Compact to the other states party hereto. The duties and obligations of a renouncing state under G.S. 7B-2807 hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under G.S. 7B-2810 hereof shall be subject to renunciation as provided by supplementary agreements and shall not be subject to the six months' renunciation notice of the present section.

"§ 7B-2815. Severability.

The provisions of this Compact shall be severable and, if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstances is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state participating therein, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

"§ 7B-2816. Authority of Governor to designate Compact Administrator.

Pursuant to said Compact, the Governor is hereby authorized and empowered to designate an officer who shall be the Compact Administrator and who, acting jointly with like officers of other party states, shall adopt rules and regulations to carry out more effectively the terms of the Compact. The Compact Administrator shall serve subject to the pleasure of the Governor. The Compact Administrator is hereby authorized, empowered, and directed to cooperate with all departments, agencies, and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the Compact or of any supplementary agreement or agreements entered into by this State hereunder.

"§ 7B-2817. Authority of Compact Administrator to enter into supplementary agreements.

The Compact Administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the Compact. In the event that the supplementary agreement shall require or contemplate the use of any institution or facility of this State or require or contemplate the provision of any service by this State, the supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of the service.

"§ 7B-2818. Discharging financial obligations imposed by Compact or agreement.

The Compact Administrator, subject to the approval of the Director of the Budget, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the Compact or by any supplementary agreement entered into thereunder.

"§ 7B-2819. Enforcement of Compact.

The courts, departments, agencies, and officers of this State and subdivisions shall enforce this Compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

"§ 7B-2820. Additional procedure for returning runaways not precluded.

In addition to any procedure provided in G.S. 7B-2804 and G.S. 7B-2806 of the Compact for the return of any runaway juvenile, the particular states, the juvenile or the juvenile's parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this State and the other respective party states for the return of any runaway juvenile.

"§ 7B-2821. Proceedings for return of runaways under G.S. 7B-2804 of Compact; 'juvenile' construed.

The judge of any court in North Carolina to which an application is made for the return of a runaway under the provisions of G.S. 7B-2804 of

the Interstate Compact on Juveniles shall hold a hearing thereon to determine whether for the purposes of the Compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interests of the juvenile to compel the return of the juvenile to the state. The judge of any court in North Carolina, finding that a requisition for the return of a juvenile under the provisions of G.S. 7B-2804 of the Compact is in order, shall upon request fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. The period of time for holding a juvenile in custody under the provisions of G.S. 7B-2804 of the Compact for the protection and welfare of the juvenile, subject to the order of a court of this State, to enable the juvenile's return to another state party to the Compact pursuant to a requisition for return from a court of that state, shall not exceed 30 days. In applying the provisions of G.S. 7B-2804 of the Compact to secure the return of a runaway from North Carolina, the courts of this State shall construe the word 'juvenile' as used in this Article to mean any person who has not reached the person's eighteenth birthday.

"§ 7B-2822. Interstate parole and probation hearing procedures for juveniles.

Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact on Juveniles, the appropriate judicial or administrative authorities in this State shall notify the Compact Administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or a probation violation. Prior to giving of notification, a hearing shall be held in accordance with this Article within a reasonable time, unless the hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall, as soon as practicable, following termination of any hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this State may take custody of and detain the parolee or probationer involved for a period not to exceed 10 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for a reasonable period after the hearing or waiver as may be necessary to arrange for retaking or the reincarceration.

"§ 7B-2823. Hearing officers.

Any hearing pursuant to this Article may be before the Administrator of the Interstate Compact on Juveniles, a deputy of the Administrator, or any other person authorized pursuant to the juvenile laws of this State to hear cases of alleged juvenile parole or probation violations, except that no hearing officer shall be the person making the allegation of violation.

"**§ 7B-2824. Due process at parole or probation violation hearing.**

With respect to any hearing pursuant to this Article, the parolee or probationer:

(1) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that the purpose of the hearing is to determine whether there is probable cause to believe that the parolee or probationer has committed a violation that may lead to a revocation of parole or probation;

(2) Shall be permitted to advise with any persons whose assistance the parolee or probationer reasonably desires, prior to the hearing;

(3) Shall have the right to confront and examine any persons who have made allegations against the parolee or probationer, unless the hearing officer determines that confrontation would present a substantial present or subsequent danger of harm to the person or persons; and

(4) May admit, deny, or explain the violation alleged and may present proof, including affidavits and other evidence, in support of the parolee's or probationer's contentions.

A record of the proceedings shall be made and preserved.

"**§ 7B-2825. Effect of parole or probation violation hearing outside State.**

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact on Juveniles, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this Article, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this State, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this State in making disposition of the matter.

"**§ 7B-2826. Amendment to Interstate Compact on Juveniles concerning interstate rendition of juveniles alleged to be delinquent.**

(a) This amendment shall provide additional remedies and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of G.S. 7B-2805 and G.S. 7B-2806 of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in the

case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in G.S. 7B-2805 of the Compact shall be forwarded by the judge of the court in which the petition has been filed.

"**§ 7B-2827. Out-of-State Confinement Amendment.**

(a) The Out-of-State Confinement Amendment to the Interstate Compact on Juveniles is hereby enacted into law and entered into by this State with all other states legally joining therein in the form substantially as follows:

(1) Whenever the fully constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, the officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, the receiving state to act in that regard solely as agent for the sending state.

(2) Escapees and absconders who would otherwise be returned pursuant to G.S. 7B-2805 of the Compact may be confined or reconfined in the receiving state pursuant to this amendment. In any case in which the information and allegations are required to be made and furnished in a requisition pursuant to G.S. 7B-2805, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders, as provided in G.S. 7B-2805, may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(3) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(4) As used in this amendment: (i) 'sending state' means a sending state as that term is used in G.S. 7B-2807 of the Compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of G.S. 7B-2805 of the Compact; (ii) 'receiving state' means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that the state is a party to this amendment.

(5) Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a 'Compact Institution' and shall confine persons therein as provided in subdivision (1) of this subsection unless the sending and receiving state in question shall make specific

contractual arrangements to the contrary. All states party to this amendment shall have access to 'Compact Institutions' at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of the State's delinquents as may be confined in the institution.

(6) Persons confined in 'Compact Institutions' pursuant to the terms of this Compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from the 'Compact Institution' for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(7) All persons who may be confined in a 'Compact Institution' pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which the person would have had if confined or reconfined in an appropriate institution of the sending state. No agreement to submit to confinement or reconfinement pursuant to the terms of this amendment may be construed as a waiver of any rights which the delinquent would have had if the person had been confined or reconfined in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(8) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of the costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(9) This amendment shall take initial effect when entered into by any two or more states party to the Compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be adopted by

the appropriate officers of those states which have enacted this amendment.

(b) In addition to any institution in which the authorities of this State may otherwise confine or order the confinement of a delinquent juvenile, the authorities may, pursuant to the Out-of-State Confinement Amendment to the Interstate Compact on Juveniles, confine or order the confinement of a delinquent juvenile in a Compact Institution within another party state.

"SUBCHAPTER III. JUVENILE RECORDS.

"ARTICLE 29.

"Records and Social Reports of Cases of Abuse, Neglect, and Dependency.

"§ 7B-2900. Definitions.

The definitions of G.S. 7B-101 and G.S. 7B-1501 apply to this Subchapter.

"§ 7B-2901. Confidentiality of records.

(a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's office alleging abuse, neglect, or dependency. The records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court. The record shall include the summons, petition, custody order, court order, written motions, the electronic or mechanical recording of the hearing, and other papers filed in the proceeding. The recording of the hearing shall be reduced to a written transcript only when notice of appeal has been timely given. After the time for appeal has expired with no appeal having been filed, the recording of the hearing may be erased or destroyed upon the written order of the court.

(b) The Director of the Department of Social Services shall maintain a record of the cases of juveniles under protective custody by the Department or under placement by the court, which shall include family background information; reports of social, medical, psychiatric, or psychological information concerning a juvenile or the juvenile's family; interviews with the juvenile's family; or other information which the court finds should be protected from public inspection in the best interests of the juvenile. The records maintained pursuant to this subsection may be examined only by order of the court except that the guardian ad litem, or juvenile, shall have the right to examine them.

(c) In the case of a child victim, the court may order the sharing of information among such public agencies as the court deems necessary to reduce the trauma to the victim.

(d) The court's entire record of a proceeding involving consent for an abortion on an unemancipated minor under Article 1A, Part 2 of Chapter 90 of the General Statutes is not a matter of public record, shall be maintained separately from any juvenile record, shall be withheld from public inspection, and may be examined only by order of the court, by the unemancipated minor, or by the unemancipated minor's attorney or guardian ad litem.

"**§ 7B-2902. Disclosure in child fatality or near fatality cases.**

(a) The following definitions apply in this section:

(1) Child fatality. -- The death of a child from suspected abuse, neglect, or maltreatment.

(2) Findings and information. -- A written summary, as allowed by subsections (c) through (f) of this section, of actions taken or services rendered by a public agency following receipt of information that a child might be in need of protection. The written summary shall include any of the following information the agency is able to provide:

a. The dates, outcomes, and results of any actions taken or services rendered.

b. The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local community child protection team, the Child Fatality Task Force, or any public agency.

c. Confirmation of the receipt of all reports, accepted or not accepted by the county department of social services, for investigation of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the department's decision.

(3) Near fatality. -- A case in which a physician determines that a child is in serious or critical condition as the result of sickness or injury caused by suspected abuse, neglect, or maltreatment.

(4) Public agency. -- Any agency of State government or its subdivisions as defined in G.S. 132-1(a).

(b) Notwithstanding any other provision of law and subject to the provisions of subsections (c) through (f) of this section, a public agency shall disclose to the public, upon request, the findings and information related to a child fatality or near fatality if:

(1) A person is criminally charged with having caused the child fatality or near fatality; or

(2) The district attorney has certified that a person would be charged with having caused the child fatality or near fatality but for that person's prior death.

(c) Nothing herein shall be deemed to authorize access to the confidential records in the custody of a public agency, or the disclosure to the public of the substance or content of any psychiatric, psychological, or therapeutic evaluations or like materials or information pertaining to the child or the child's family unless directly related to the cause of the child fatality or near fatality, or the disclosure of information that would reveal

the identities of persons who provided information related to the suspected abuse, neglect, or maltreatment of the child.

(d) Within five working days from the receipt of a request for findings and information related to a child fatality or near fatality, a public agency shall consult with the appropriate district attorney and provide the findings and information unless the agency has a reasonable belief that release of the information:

(1) Is not authorized by subsections (a) and (b) of this section;

(2) Is likely to cause mental or physical harm or danger to a minor child residing in the deceased or injured child's household;

(3) Is likely to jeopardize the State's ability to prosecute the defendant;

(4) Is likely to jeopardize the defendant's right to a fair trial;

(5) Is likely to undermine an ongoing or future criminal investigation; or

(6) Is not authorized by federal law and regulations.

(e) Any person whose request is denied may apply to the appropriate superior court for an order compelling disclosure of the findings and information of the public agency. The application shall set forth, with reasonable particularity, factors supporting the application. The superior court shall have jurisdiction to issue such orders. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the appellate courts. After the court has reviewed the specific findings and information, in camera, the court shall issue an order compelling disclosure unless the court finds that one or more of the circumstances in subsection (d) of this section exist.

(f) Access to criminal investigative reports and criminal intelligence information of public law enforcement agencies and confidential information in the possession of the State Child Fatality Prevention Team, the local teams, and the Child Fatality Task Force, shall be governed by G.S. 132-1.4 and G.S. 7B-1413 respectively. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

(g) Any public agency or its employees acting in good faith in disclosing or declining to disclose information pursuant to this section shall be immune from any criminal or civil liability that might otherwise be incurred or imposed for such action.

(h) Nothing herein shall be deemed to narrow or limit the definition of 'public records' as set forth in G.S. 132-1(a).

"ARTICLE 30.

"Juvenile Records and Social Reports of Delinquency and Undisciplined Cases.

"**§ 7B-3000. Juvenile court records.**

(a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's office to be known as the juvenile record. The record shall include the summons and petition, any secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any written motions, orders, or papers filed in the proceeding.

(b) All juvenile records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court. Except as provided in subsection (c) of this section, the following persons may examine the juvenile's record and obtain copies of written parts of the record without an order of the court:

(1) The juvenile;

(2) The juvenile's parent, guardian, or custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;

(3) The prosecutor; and

(4) Court counselors.

Except as provided in subsection (c) of this section, the prosecutor may, in the prosecutor's discretion, share information obtained from a juvenile's record with law enforcement officers sworn in this State, but may not allow a law enforcement officer to photocopy any part of the record.

(c) The court may direct the clerk to 'seal' any portion of a juvenile's record. The clerk shall secure any sealed portion of a juvenile's record in an envelope clearly marked 'SEALED: MAY BE EXAMINED ONLY BY ORDER OF THE COURT', or with similar notice, and shall permit examination or copying of sealed portions of a juvenile's record only pursuant to a court order specifically authorizing inspection or copying.

(d) Any portion of a juvenile's record consisting of an electronic or mechanical recording of a hearing shall be transcribed only when notice of appeal has been timely given and shall be copied electronically or mechanically, only by order of the court. After the time for appeal has expired with no appeal having been filed, the court may enter a written order directing the clerk to destroy the recording of the hearing.

(e) The juvenile's record of an adjudication of delinquency for an offense that would be a felony if committed by an adult may be used by law enforcement, the magistrate, and the prosecutor for pretrial release and plea negotiating decisions.

(f) The juvenile's record of an adjudication of delinquency for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be used in a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule 404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a), 15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera hearing to determine whether the record in question is admissible.

(g) Except as provided in subsection (d) of this section, a juvenile's record shall be destroyed only as authorized by G.S. 7B-3200 or by rules adopted by the Office of Juvenile Justice.

"§ 7B-3001. Other records relating to juveniles.

(a) The chief court counselor shall maintain a record of all cases of juveniles under supervision of court counselors, to be known as the court counselor's record. The court counselor's record shall include family background information; reports of social, medical, psychiatric, or psychological information concerning a juvenile or the juvenile's family; probation reports; interviews with the juvenile's family; or other information the court finds should be protected from public inspection in the best interests of the juvenile.

(b) Unless jurisdiction of the juvenile has been transferred to superior court, all law enforcement records and files concerning a juvenile shall be kept separate from the records and files of adults and shall be withheld from public inspection. The following persons may examine and obtain copies of law enforcement records and files concerning a juvenile without an order of the court:

(1) The juvenile;
(2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
(3) The district attorney or prosecutor;
(4) Court counselors; and
(5) Law enforcement officers sworn in this State.

Otherwise, the records and files may be examined or copied only by order of the court.

(c) All records and files maintained by the Office pursuant to this Chapter shall be withheld from public inspection. The following persons may examine and obtain copies of the Office records and files concerning a juvenile without an order of the court:

(1) The juvenile and the juvenile's attorney;
(2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
(3) Professionals in the agency who are directly involved in the juvenile's case; and
(4) Court counselors.

Otherwise, the records and files may be examined or copied only by order of the court. The court may inspect and order the release of records maintained by the Office.

"ARTICLE 31.

"Disclosure of Juvenile Information.

"§ 7B-3100. Disclosure of information about juveniles.

(a) The Office, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are

authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request, information that is in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the juvenile is no longer subject to the jurisdiction of juvenile court. Agencies that may be designated as 'agencies authorized to share information' include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Office of Juvenile Justice, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts. Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

(b) Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of that juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parents.

"§ 7B-3101. Notification of schools when juveniles are alleged or found to be delinquent.

(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and written notification of the following actions to the principal of the school that the juvenile attends:

(1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense that would be a felony if committed by an adult;

(2) The court transfers jurisdiction over a juvenile to superior court under G.S. 7B-2200;

(3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency for an offense that would be a felony if committed by an adult;

(4) The court issues a dispositional order under Article 25 of Chapter 7B of the General Statutes including, but not limited to, an order of probation that requires school attendance, concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult; or

(5) The court modifies or vacates any order or disposition under G.S. 7B-2600 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

Notification of the school principal in person or by telephone shall be made before the beginning of the next school day. Delivery shall be made as soon as practicable but at least within five days of the action. Delivery shall be made in person or by certified mail. Notification that a petition has been filed shall describe the nature of the offense. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements. As used in this subsection, the term 'offense' shall not include any offense under Chapter 20 of the General Statutes.

(b) If the principal of the school the juvenile attends returns any notification as required by G.S. 115C-404, and if the juvenile court counselor learns that the juvenile is transferring to another school, the juvenile court counselor shall deliver the notification to the principal of the school to which the juvenile is transferring. Delivery shall be made as soon as practicable and shall be made in person or by certified mail.

(c) Principals shall handle any notification delivered under this section in accordance with G.S. 115C-404.

(d) For the purpose of this section, 'school' means any public or private school in the State that is authorized under Chapter 115C of the General Statutes.

"ARTICLE 32.

"Expunction of Juvenile Records.

"§ 7B-3200. Expunction of records of juveniles alleged or adjudicated delinquent and undisciplined.

(a) Any person who has attained the age of 18 years may file a petition in the court where the person was adjudicated undisciplined for expunction of all records of that adjudication.

(b) Any person who has attained the age of 18 years may file a petition in the court where the person was adjudicated delinquent for expunction of all records of that adjudication provided:

(1) The offense for which the person was adjudicated would have been a crime other than a Class A, B1, B2, C, D, or E felony if committed by an adult.

(2) At least 18 months have elapsed since the person was released from juvenile court jurisdiction, and the person has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state.

Records relating to an adjudication for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult shall not be expunged.

(c) The petition shall contain, but not be limited to, the following:

(1) An affidavit by the petitioner that the petitioner has been of good behavior since the adjudication and, in the case of a petition based on a delinquency adjudication, that the petitioner has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States, or the laws of this State or any other state;

(2) Verified affidavits of two persons, who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good; and

(3) A statement that the petition is a motion in the cause in the case wherein the petitioner was adjudicated delinquent or undisciplined.

The petition shall be served upon the district attorney in the district wherein adjudication occurred. The district attorney shall have 10 days thereafter in which to file any objection thereto and shall be duly notified as to the date of the hearing on the petition.

(d) If the court, after hearing, finds that the petitioner satisfies the conditions set out in subsections (a) or (b) of this section, the court shall order and direct the clerk and all law enforcement agencies to expunge their records of the adjudication including all references to arrests, complaints, referrals, petitions, and orders.

(e) The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other law enforcement agency.

(f) Records of a juvenile adjudicated delinquent or undisciplined being maintained by the chief court counselor, an intake counselor, or a court counselor shall be retained or disposed of as provided by the Office, except that no records shall be destroyed before the juvenile reaches the age of 18 or 18 months have elapsed since the person was released from juvenile court jurisdiction, whichever occurs last.

(g) Records of a juvenile adjudicated delinquent or undisciplined being maintained by personnel at a residential facility operated by the Office, shall be retained or disposed of as provided by the Office, except that no records shall be destroyed before the juvenile reaches the age of 18 or 18 months have elapsed since the person was released from juvenile court jurisdiction, whichever occurs last.

(h) Any person who was alleged to be delinquent as a juvenile and has attained the age of 16 years, or was alleged to be undisciplined as a juvenile and has attained the age of 18 years, may file a petition in the court in which

the person was alleged to be delinquent or undisciplined, for expunction of all juvenile records of the juvenile having been alleged to be delinquent or undisciplined if the court dismissed the juvenile petition without an adjudication that the juvenile was delinquent or undisciplined. The petition shall be served on the chief court counselor in the district where the juvenile petition was filed. The chief court counselor shall have 10 days thereafter in which to file a written objection in the court. If no objection is filed, the court may grant the petition without a hearing. If an objection is filed or the court so directs, a hearing shall be scheduled and the chief court counselor shall be notified as to the date of the hearing. If the court finds at the hearing that the petitioner satisfies the conditions specified herein, the court shall order the clerk and the appropriate law enforcement agencies to expunge their records of the allegations of delinquent or undisciplined acts including all references to arrests, complaints, referrals, juvenile petitions, and orders. The clerk shall forward a certified copy of the order of expunction to the sheriff, chief of police, or other appropriate law enforcement agency, and to the chief court counselor, and these specified officials shall immediately destroy all records relating to the allegations that the juvenile was delinquent or undisciplined.

(i) The clerk of superior court in each county in North Carolina shall, as soon as practicable after each term of court in the clerk's county, file with the Administrative Office of the Courts, the names of those persons granted an expunction under the provisions of this section, and the Administrative Office of the Courts shall maintain a confidential file containing the names of persons granted an expunction. The information contained in such file shall be disclosed only to judges of the General Court of Justice of North Carolina for the purpose of ascertaining whether any person charged with an offense has been previously granted an expunction.

"§ 7B-3201. Effect of expunction.

(a) Whenever a juvenile's record is expunged, with respect to the matter in which the record was expunged, the juvenile who is the subject of the record and the juvenile's parent may not be held thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such record or response to any inquiry made of the person for any purpose.

(b) Notwithstanding subsection (a) of this section, in any delinquency case if the juvenile is the defendant and chooses to testify or if the juvenile is not the defendant and is called as a witness, the juvenile may be ordered to testify with respect to whether the juvenile was adjudicated delinquent.

"§ 7B-3202. Notice of expunction.

Upon expunction of a juvenile's record, the clerk shall send a written notice to the juvenile at the juvenile's last known address informing the juvenile that the record has been expunged and with respect to the matter involved, the juvenile may not be held thereafter under any provision of any laws to be guilty of perjury or

otherwise giving a false statement by reason of the juvenile's failure to recite or acknowledge such record or response to any inquiry made of the juvenile for any purpose except that upon testifying in a delinquency proceeding, the juvenile may be required by a court to disclose that the juvenile was adjudicated delinquent.

"ARTICLE 33.

"Computation of Recidivism Rates.

"§ 7B-3300. Juvenile recidivism rates.

(a) On an annual basis, the Office of Juvenile Justice shall compute the recidivism rate of juveniles who are adjudicated delinquent for offenses that would be Class A, B1, B2, C, D, or E felonies if committed by adults and who subsequently are adjudicated delinquent or convicted and shall report the statistics to the Joint Legislative Commission on Governmental Operations by February 15 each year.

(b) The chief court counselor of each judicial district shall forward to the Office relevant information, as determined by the Office, regarding every juvenile who is adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult for the purpose of computing the statistics required by this section.

"SUBCHAPTER IV. PARENTAL AUTHORITY; EMANCIPATION.

"ARTICLE 34.

"Parental Authority Over Juveniles.

"§ 7B-3400. Juvenile under 18 subject to parents' control.

Notwithstanding any other provision of law, any juvenile under 18 years of age, except as provided in G.S. 7B-3402 and G.S. 7B-3403, shall be subject to the supervision and control of the juvenile's parents.

"§ 7B-3401. Definitions.

The definitions of G.S. 7B-101 and G.S. 7B-1501 apply to this Subchapter.

"§ 7B-3402. Exceptions.

This Article shall not apply to any juvenile under the age of 18 who is married or who is serving in the armed forces of the United States, or who has been emancipated.

"§ 7B-3403. No criminal liability created.

This Article shall not be interpreted to place any criminal liability on a parent, guardian, or custodian for any act of the juvenile 16 years of age or older.

"§ 7B-3404. Enforcement.

The provisions of this Article may be enforced by the parent, guardian, custodian, or person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court to the juvenile by filing a civil action in the district court of the county where the juvenile can be found or the county of the plaintiff's residence. Upon the institution of such action by a verified complaint, alleging that the defendant juvenile has left home or has left the place where the juvenile has been residing and refuses to return and comply with the direction and

control of the plaintiff, the court may issue an order directing the juvenile personally to appear before the court at a specified time to be heard in answer to the allegations of the plaintiff and to comply with further orders of the court. Such orders shall be served by the sheriff upon the juvenile and upon any other person named as a party defendant in such action. At the time of the issuance of the order directing the juvenile to appear, the court may in the same order, or by separate order, order the sheriff to enter any house, building, structure, or conveyance for the purpose of searching for the juvenile and serving the order and for the purpose of taking custody of the person of the juvenile in order to bring the juvenile before the court. Any order issued at said hearing shall be treated as a mandatory injunction and shall remain in full force and effect until the juvenile reaches the age of 18, or until further orders of the court. Within 30 days after the hearing on the original order, the juvenile, or anyone acting in the juvenile's behalf, may file a verified answer to the complaint. Upon the filing of an answer by or on behalf of the juvenile, any district court judge holding court in the county or district court district as defined in G.S. 7A-133 where the action was instituted shall have jurisdiction to hear the matter, without a jury, and to make findings of fact, conclusions of law, and render judgment thereon. Appeals from the district court to the Court of Appeals shall be allowed as in civil actions generally. The district court issuing the original order or the district court hearing the matter after answer has been filed shall also have authority to order that any person named defendant in the order or judgment shall not harbor, keep, or allow the defendant juvenile to remain on the person's premises or in the person's home. Failure of any defendant to comply with the terms of said order or judgment shall be punishable as for contempt.

"ARTICLE 35.

"Emancipation.

"§ 7B-3500. Who may petition.

Any juvenile who is 16 years of age or older and who has resided in the same county in North Carolina or on federal territory within the boundaries of North Carolina for six months next preceding the filing of the petition may petition the court in that county for a judicial decree of emancipation.

"§ 7B-3501. Petition.

The petition shall be signed and verified by the petitioner and shall contain the following information:

(1) The full name of the petitioner and the petitioner's birth date, and state and county of birth;

(2) A certified copy of the petitioner's birth certificate;

(3) The name and last known address of the parent, guardian, or custodian;

(4) The petitioner's address and length of residence at that address;

(5) The petitioner's reasons for requesting emancipation; and

(6) The petitioner's plan for meeting the petitioner's needs and living expenses which plan may include a statement of employment and wages earned that is verified by the petitioner's employer.

"**§ 7B-3502. Summons.**

A copy of the filed petition along with a summons shall be served upon the petitioner's parent, guardian, or custodian who shall be named as respondents. The summons shall include the time and place of the hearing and shall notify the respondents to file written answer within 30 days after service of the summons and petition. In the event that personal service cannot be obtained, service shall be in accordance with G.S. 1A-1, Rule 4(j).

"**§ 7B-3503. Hearing.**

The court, sitting without a jury, shall permit all parties to present evidence and to cross-examine witnesses. The petitioner has the burden of showing by a preponderance of the evidence that emancipation is in the petitioner's best interests. Upon finding that reasonable cause exists, the court may order the juvenile to be examined by a psychiatrist, a licensed clinical psychologist, a physician, or any other expert to evaluate the juvenile's mental or physical condition. The court may continue the hearing and order investigation by a court counselor or by the county department of social services to substantiate allegations of the petitioner or respondents.

No husband-wife or physician-patient privilege shall be grounds for excluding any evidence in the hearing.

"**§ 7B-3504. Considerations for emancipation.**

In determining the best interests of the petitioner and the need for emancipation, the court shall review the following considerations:

(1) The parental need for the earnings of the petitioner;

(2) The petitioner's ability to function as an adult;

(3) The petitioner's need to contract as an adult or to marry;

(4) The employment status of the petitioner and the stability of the petitioner's living arrangements;

(5) The extent of family discord which may threaten reconciliation of the petitioner with the petitioner's family;

(6) The petitioner's rejection of parental supervision or support; and

(7) The quality of parental supervision or support.

"**§ 7B-3505. Final decree of emancipation.**

After reviewing the considerations for emancipation, the court may enter a decree of emancipation if the court determines:

(1) That all parties are properly before the court or were duly served and failed to appear and that time for filing an answer has expired;

(2) That the petitioner has shown a proper and lawful plan for adequately providing for the petitioner's needs and living expenses;

(3) That the petitioner is knowingly seeking emancipation and fully understands the ramifications of the act; and

(4) That emancipation is in the best interests of the petitioner.

The decree shall set out the court's findings.

If the court determines that the criteria in subdivisions (1) through (4) are not met, the court shall order the proceeding dismissed.

"§ 7B-3506. Costs of court.

The court may tax the costs of the proceeding to any party or may, for good cause, order the costs remitted.

The clerk may collect costs for furnishing to the petitioner a certificate of emancipation which shall recite the name of the petitioner and the fact of the petitioner's emancipation by court decree and shall have the seal of the clerk affixed thereon.

"§ 7B-3507. Legal effect of final decree.

As of entry of the final decree of emancipation:

(1) The petitioner has the same right to make contracts and conveyances, to sue and to be sued, and to transact business as if the petitioner were an adult.

(2) The parent, guardian, or custodian is relieved of all legal duties and obligations owed to the petitioner and is divested of all rights with respect to the petitioner.

(3) The decree is irrevocable.

Notwithstanding any other provision of this section, a decree of emancipation shall not alter the application of G.S. 14-326.1 or the petitioner's right to inherit property by intestate succession.

"§ 7B-3508. Appeals.

Any petitioner, parent, guardian, or custodian who is a party to a proceeding under this Article may appeal from any order of disposition to the Court of Appeals provided that notice of appeal is given in open court at the time of the hearing or in writing within 10 days after the hearing. Pending disposition of an appeal, the court may enter a temporary order affecting the custody or placement of the petitioner as the court finds to be in the best interests of the petitioner or the State.

"§ 7B-3509. Application of common law.

A married juvenile is emancipated by this Article. All other common-law provisions for emancipation are superseded by this Article.

"ARTICLE 36.

"Judicial Consent for Emergency Surgical or Medical Treatment.

"§ 7B-3600. Judicial authorization of emergency treatment; procedure.

A juvenile in need of emergency treatment under Article 1A of Chapter 90 of the General Statutes, whose physician is barred from rendering necessary treatment by reason of parental refusal to consent to treatment, may receive treatment with court authorization under the following procedure:

(1) The physician shall sign a written statement setting out:
   a. The treatment to be rendered and the emergency need for treatment;
   b. The refusal of the parent, guardian, custodian, or person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court to consent to the treatment; and
   c. The impossibility of contacting a second physician for a concurring opinion on the need for treatment in time to prevent immediate harm to the juvenile.

(2) Upon examining the physician's written statement prescribed in subdivision (1) of this section and finding:
   a. That the statement is in accordance with this Article, and
   b. That the proposed treatment is necessary to prevent immediate harm to the juvenile.

The court may issue a written authorization for the proposed treatment to be rendered.

(3) In acute emergencies in which time may not permit implementation of the written procedure set out in subdivisions (1) and (2) of this section, the court may authorize treatment in person or by telephone upon receiving the oral statement of a physician satisfying the requirements of subdivision (1) of this section and upon finding that the proposed treatment is necessary to prevent immediate harm to the juvenile.

(4) The court's authorization for treatment overriding parental refusal to consent should not be given without attempting to offer the parent an opportunity to state the reasons for refusal; however, failure of the court to hear the parent's objections shall not invalidate judicial authorization under this Article.

(5) The court's authorization for treatment under subdivisions (1) and (2) of this section shall be issued in duplicate. One copy shall be given to the treating physician and the other copy shall be attached to the physician's written statement and filed as a juvenile proceeding in the office of the clerk of court.

(6) The court's authorization for treatment under subdivision (3) of this section shall be reduced to writing as soon as

possible, supported by the physician's written statement as prescribed in subdivision (1) of this section and shall be filed as prescribed in subdivision (5) of this section.

The court's authorization for treatment under this Article shall have the same effect as parental consent for treatment.

Following the court's authorization for treatment and after giving notice to the juvenile's parent, guardian, or custodian the court shall conduct a hearing in order to provide for payment for the treatment rendered. The court may order the parent or other responsible parties to pay the cost of treatment. If the court finds the parent is unable to pay the cost of treatment, the cost shall be a charge upon the county when so ordered.

This Article shall operate as a remedy in addition to the provisions in G.S. 7B-903, 7B-2503, and 7B-2506.

"SUBCHAPTER V. PLACEMENT OF JUVENILES.

"ARTICLE 37.

"Placing or Adoption of Juvenile Delinquents or Dependents.

"§ 7B-3700. Consent required for bringing child into State for placement or adoption.

(a) No person, agency, association, institution, or corporation shall bring or send into the State any child for the purpose of giving custody of the child to some person in the State or procuring adoption by some person in the State without first obtaining the written consent of the Department of Health and Human Services.

(b) The person with whom a child is placed for either of the purposes set out in subsection (a) of this section shall be responsible for the child's proper care and training. The Department of Health and Human Services or its agents shall have the same right of visitation and supervision of the child and the home in which it is placed as in the case of a child placed by the Department or its agents as long as the child shall remain within the State and until the child shall have reached the age of 18 years or shall have been legally adopted.

"§ 7B-3701. Bond required.

The Social Services Commission may, in its discretion, require of a person, agency, association, institution, or corporation which brings or sends a child into the State with the written consent of the Department of Health and Human Services, as provided by G.S. 7B-3700, a continuing bond in a penal sum not in excess of one thousand dollars ($1,000) with such conditions as may be prescribed and such sureties as may be approved by the Department of Health and Human Services. Said bond shall be made in favor of and filed with the Department of Health and Human Services with the premium prepaid by the said person, agency, association, institution, or corporation desiring to place such child in the State.

"§ 7B-3702. Consent required for removing child from State.

No child shall be taken or sent out of the State for the purpose of placing the child in a foster home or in a child- caring institution

without first obtaining the written consent of the Department of Health and Human Services. The foster home or child-caring institution in which the child is placed shall report to the Department of Health and Human Services at such times as the Department of Health and Human Services may direct as to the location and well-being of such child until the child shall have reached the age of 18 years or shall have been legally adopted.

"§ 7B-3703. Violation of Article a misdemeanor.

Every person acting for himself or for an agency who violates any of the provisions of this Article or who shall intentionally make any false statements to the Social Services Commission or the Secretary or an employee thereof acting for the Department of Health and Human Services in an official capacity in the placing or adoption of juvenile delinquents or dependents shall, upon conviction thereof, be guilty of a Class 2 misdemeanor.

"§ 7B-3704. Definitions.

The term 'Department' wherever used in this Article shall be construed to mean the Department of Health and Human Services. The term 'Secretary' wherever used in this Article shall be construed to mean the Secretary of the Department of Health and Human Services.

"§ 7B-3705. Application of Article.

None of the provisions of this Article shall apply when a child is brought into or sent into, or taken out of, or sent out of the State, by the guardian of the person of such child, or by a parent, stepparent, grandparent, uncle or aunt of such child, or by a brother, sister, half brother, or half sister of such child, if such brother, sister, half brother, or half sister is 18 years of age or older.

"ARTICLE 38.

"Interstate Compact on the Placement of Children.

"§ 7B-3800. Adoption of Compact.

The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in a form substantially as contained in this Article. It is the intent of the General Assembly that Article 4 of this Chapter shall govern interstate placements of children between North Carolina and any other jurisdictions not a party to this Compact. It is the intent of the General Assembly that Chapter 48 of the General Statutes shall govern the adoption of children within the boundaries of North Carolina.

Article I. Purpose and Policy.

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

Article II. Definitions.

As used in this Compact:

(a) 'Child' means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) 'Sending agency' means a party state officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) 'Receiving state' means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities of [or] for placement with private agencies or persons.

(d) 'Placement' means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective, or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(e) 'Appropriate public authorities' as used in Article III shall, with reference to this State, mean the Department of Health and Human Services and said agency shall receive and act with reference to notices required by Article III.

(f) 'Appropriate authority in the receiving state' as used in paragraph (a) of Article V shall, with reference to this State, means the Secretary.

(g) 'Executive head' as used in Article VII means the Governor.

Article III. Conditions for Placement.

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this Article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice

of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date, and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this Article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this Compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

Article IV. Penalty for Illegal Placement.

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this Compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

Article V. Retention of Jurisdiction.

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment, and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a

receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this Compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

Article VI. Institutional Care of Delinquent Children.

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this Compact, but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to the child's being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interests of the child and will not produce undue hardship.

Article VII. Compact Administrator.

The executive head of each jurisdiction party to this Compact shall designate an officer who shall be general coordinator of activities under this Compact in the officer's jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this Compact.

Article VIII. Limitations.

This Compact shall not apply to: (a) the sending or bringing of a child into a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with any such relative or nonagency guardian in the receiving state. (b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

Article IX. Enactment and Withdrawal.

This Compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the

government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this Compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, and obligations under this Compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

Article X. Construction and Severability.

The provisions of this Compact shall be liberally construed to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

"§ 7B-3801. Financial responsibility under Compact.

Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of any other state laws fixing responsibility for the support of children also may be invoked.

"§ 7B-3802. Agreements under Compact.

The officers and agencies of this State and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Secretary of the Department of Health and Human Services in the case of the State and of the county director of social services in the case of a county or other subdivision of the State.

"§ 7B-3803. Visitation, inspection or supervision.

Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under the laws of this State shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this State

or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

"§ 7B-3804. Compact to govern between party states.

The provisions of Article 37 of this Chapter shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

"§ 7B-3805. Placement of delinquents.

Any court having jurisdiction to place delinquent children may place such a child in an institution or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

"§ 7B-3806. Compact Administrator.

The Governor is hereby authorized to appoint a Compact Administrator in accordance with the terms of said Article VII."

PART IV. EMPLOYMENT DISCRIMINATION

Section 7. G.S. 95-241(a) reads as rewritten:

"(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens ~~to do any of the following:~~ to:

(1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:
   a. Chapter 97 of the General Statutes.
   b. Article 2A or Article 16 of this Chapter.
   c. Article 2A of Chapter 74 of the General Statutes.
   d. G.S. 95-28.1.
   e. Article 16 of Chapter 127A of the General Statutes.
   f. G.S. 95-28.1A.

(2) Cause any of the activities listed in subdivision (1) of this subsection to be initiated on an employee's behalf.

(3) Exercise any right on behalf of the employee or any other employee afforded by Article 2A or Article 16 of this Chapter or by Article 2A of Chapter 74 of the General Statutes.

(4) Comply with the provisions of Article 27 of Chapter 7B of the General Statutes."

PART V. EDUCATIONAL USE OF JUVENILE COURT INFORMATION

Section 8. G.S. 115C-404 reads as rewritten:

"§ 115C-404. Use of juvenile court information.

(a) Written notifications received in accordance with ~~G.S. 7A-675.1~~ G.S. 7B-3101 and information gained from examination of juvenile records in accordance with G.S. 7B-3100 are confidential records, are not public records as defined under G.S.132-1, and shall not be made part of the student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall

maintain these documents in a safe, locked record storage that is separate from the student's other school records. ~~The principal shall maintain these documents until the principal receives notification that the judge dismissed the petition under G.S. 7A-637, the judge transferred jurisdiction over the student to superior court under G.S. 7A-608, or the judge granted the student's petition for expunction of the records. At that time, the~~ The principal shall shred, burn, or otherwise destroy ~~the~~ documents received in accordance with G.S. 7B-3100 to protect the confidentiality of ~~this information.~~ the information when the principal receives notification that the court dismissed the petition under G.S. 7B-2411, the court transferred jurisdiction over the student to superior court under G.S. 7B-2200, or the court granted the student's petition for expunction of the records. The principal shall shred, burn, or otherwise destroy all information gained from examination of juvenile records in accordance with G.S. 7B-3100 when the principal finds that the school no longer needs the information to protect the safety of or to improve the educational opportunities for the student or others. In no case shall the principal make a copy of these documents.

(b) Documents received under this section ~~may~~ shall be used only to protect the safety of or to improve the education opportunities for the student or others. Information gained in accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a student. Upon receipt of each document, the principal shall share the document with those individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student, and (ii) a specific need to know in order to protect the safety of the student or others. Those individuals shall indicate in writing that they have read the document and that they agree to maintain its confidentiality. Failure to maintain the confidentiality of these documents as required by this section is grounds for the dismissal of an employee who is not a career employee and is grounds for dismissal of an employee who is a career employee, in accordance with G.S. 115C-325(e)(1)i.

(c) If the student graduates, withdraws from school, is suspended for the remainder of the school year, is expelled, or transfers to another school, the principal shall return ~~the~~ all documents not destroyed in accordance with subsection (a) of this section to the juvenile court counselor and, if applicable, shall provide the counselor with the name and address of the school to which the student is transferring."

PART VI. CRIMINAL JUSTICE INFORMATION NETWORK CONFORMING CHANGES

Section 9. G.S. 143-661(a) reads as rewritten:

"(a) The Criminal Justice Information Network Governing Board is established within the Department of Justice, State Bureau of Investigation, to operate the State's Criminal Justice Information Network, the purpose of which shall be to provide the governmental and technical information systems infrastructure necessary for accomplishing State and local governmental public safety and justice functions in the most effective manner by

appropriately and efficiently sharing criminal justice and juvenile justice information among law enforcement, judicial, and corrections agencies. The Board is established within the Department of Justice, State Bureau of Investigation, for organizational and budgetary purposes only and the Board shall exercise all of its statutory powers in this Article independent of control by the Department of Justice."

PART VII. SENTENCING COMMISSION DIRECTIVES

Section 10. (a) G.S. 164-36 reads as rewritten:

"**§ 164-36. Powers and duties.**

(a) Sentences established for violations of the State's criminal laws should be based on the established purposes of our criminal justice and corrections systems. The Commission shall evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. The Commission shall make recommendations to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals. The Commission shall make a report of its recommendations, including any recommended legislation, to the General Assembly annually.

(b) Dispositions established for violations by juveniles of the State's criminal laws should be based on the established purposes set forth in Chapter 7B of the General Statutes. The Commission shall evaluate dispositional laws and policies in relationship to both the stated purposes of Chapter 7B of the General Statutes and the availability of dispositional alternatives. The Commission shall make recommendations to the General Assembly for the modification of dispositional laws and policies, and for the addition, deletion, or expansion of dispositional alternatives as necessary to achieve policy goals. The Commission shall make a report of its recommendations, including any recommended legislation, to the General Assembly annually."

(b) G.S. 164-40 reads as rewritten:

"**§ 164-40. Correction population simulation ~~model.~~ model; Office of Juvenile Justice facilities population simulation model.**

(a) The Commission shall develop a correctional population simulation model, and shall have first priority to apply the model to a given fact situation, or theoretical change in the sentencing laws, when requested to do so by the Chairman, the Executive Director, or the Commission as a whole.

The Executive Director or the Chairman shall make the model available to respond to inquiries by any State legislator, or by the Secretary of the Department of Correction, in second priority to the work of the Commission.

(b) The Commission shall develop an Office of Juvenile Justice facilities population simulation model, and shall have first priority to apply the model to a given fact situation, or theoretical change in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested to do so by the Chairman, the Executive Director, or the Commission as a whole.

The Executive Director or the Chairman shall make the model available to respond to inquiries by any State legislator, or by the Office of Juvenile Justice, in second priority to the work of the Commission."

(c) G.S. 164-42.1 reads as rewritten:

"**§ 164-42.1. Policy recommendations.**

(a) Using the studies of the Special Committee on Prisons, the Governor's Crime Commission, and other analyses, including testimony from representatives of the bodies that conducted the analyses, the Commission shall:

(1) Determine the long-range needs of the criminal justice and corrections systems and recommend policy priorities for those systems;

(2) Determine the long-range information needs of the criminal justice and corrections systems and acquire that information as it becomes available;

(3) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve those problems;

(4) Assess the cost-effectiveness of the use of State and local funds in the criminal justice and corrections systems;

(5) Recommend the goals, priorities, and standards for the allocation of criminal justice and corrections funds;

(6) Recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice and corrections systems;

(7) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems;

(8) Determine the sentencing structures for parole decisions;

(9) Examine the impact of mandatory sentence lengths as opposed to the deterrent effect of minimum mandatory terms of imprisonment;

(10) Examine good time and gain time practices;

(11) Study the value of presentence reports;

(12) Consider the rehabilitative potential of the offender and the appropriate rehabilitative placement;

(13) Examine the impact of imprisonment on families of offenders;

(14) Examine the impact of imprisonment on the ability of the offender to make restitution; ~~and~~

(15) Study the need for an amendment to Article XI, Section 1 of the State Constitution to include restitution, restraints on liberty, work programs, or other punishments to the list of punishments allowed under that section; and

(16) Study the costs and consequences of criminal behavior in North Carolina and consider the value of preventing crimes

by using incarceration to deter both prospective criminals and convicted criminals from future crimes.

(b) Using the studies and analyses available, including testimony from representatives of the bodies that conducted the analyses, the Commission shall:

(1) Determine the long-range needs of the juvenile justice system and recommend policy priorities for that system;

(2) Determine the long-range information needs of the juvenile justice system and acquire that information as it becomes available;

(3) Identify critical problems in the juvenile justice system and recommend strategies to solve those problems;

(4) Assess the cost-effectiveness of the use of State and local funds in the juvenile justice system; and

(5) Recommend the goals, priorities, and standards for the allocation of juvenile justice funds."

(d) G.S. 164-43 reads as rewritten:

"**§ 164-43. Priority of duties; reports; continuing duties.**

(a) The Commission shall have two primary duties, and other secondary duties essential to accomplishing the primary ones. The Commission may establish subcommittees or advisory committees composed of Commission members to accomplish duties imposed by this Article.

It is the legislative intent that the Commission attach priority to accomplish the following primary duties:

(1) The classification of criminal offenses as described in G.S. 164-41 and the formulation of sentencing structures as described in G.S. 164-42; and

(2) The formulation of proposals and recommendations as described in G.S. 164-42.1 and G.S. 164-42.2.

(b) The Commission shall report its findings and recommendations to the 1991 General Assembly, 1991 Regular Session. The report shall describe the status of the Commission's work, and shall include any completed policy recommendations.

(c) The Commission shall report on its progress in formulating recommendations for the classification and ranges of punishment for felonies and misdemeanors, required by G.S. 164-41, and sentencing structures, established pursuant to G.S. 164-42, to the 1991 General Assembly, 1992 Regular Session, and shall make a final report on these recommendations no later than 30 days after the convening of the 1993 Session of the General Assembly.

(d) Once the primary duties of the Commission have been accomplished, it shall have the continuing duty to monitor and review the criminal justice and corrections systems and the juvenile justice system in this State to ensure that ~~sentencing remains~~ sentences and dispositions remain uniform and consistent, and that the goals and policies established by the State are being

implemented by sentencing and dispositional practices, and it shall recommend methods by which this ongoing work may be accomplished and by which the correctional population simulation model and the Office of Juvenile Justice facilities population simulation model developed pursuant to G.S. 164-40 shall continue to be used by the State.

(e) Upon adoption of a system for the classification of offenses formulated pursuant to G.S. 164-41, the Commission or its successor shall review all proposed legislation which creates a new criminal offense, changes the classification of an offense, or changes the range of punishment or dispositional level for a particular classification, and shall make recommendations to the General Assembly.

(f) In the case of a new criminal offense, the Commission or its successor shall determine whether the proposal places the offense in the correct classification, based upon the considerations and principles set out in G.S. 164-41. If the proposal does not assign the offense to a classification, it shall be the duty of the Commission or its successor to recommend the proper classification placement.

(g) In the case of proposed changes in the classification of an offense or changes in the range of punishment or dispositional level for a classification, the Commission or its successor shall determine whether such a proposed change is consistent with the considerations and principles set out in G.S. 164-41, and shall report its findings to the General Assembly.

(h) The Commission or its successor shall meet within 10 days after the last day for filing general bills in the General Assembly for the purpose of reviewing bills as described in subsections (e), (f), and (g). The Commission or its successor shall include in its report on a bill an analysis based on an application of the correctional population simulation model or the Office of Juvenile Justice facilities population simulation model to the provisions of the bill."

(e) G.S. 164-44 reads as rewritten:

"**§ 164-44. Statistical information; financial or other aid.**

(a) The Commission shall have the secondary duty of collecting, developing, and maintaining statistical data relating to ~~sentencing and corrections~~ sentencing, corrections, and juvenile justice so that the primary duties of the Commission will be formulated using data that is valid, accurate, and relevant to this State. All State agencies shall provide data as it is requested by the Commission. All meetings of the Commission shall be open to the public and the information presented to the Commission shall be available to any State agency or member of the General Assembly.

(b) The Commission shall have the authority to apply for, accept, and use any gifts, grants, or financial or other aid, in any form, from the federal government or any agency or instrumentality thereof, or from the State or from any other source including private associations, foundations, or corporations to accomplish any of the duties set out in this Chapter."

(f) G.S. 164-37 reads as rewritten:

"**§ 164-37. Membership; chairman; meetings; quorum.**

The Commission shall consist of ~~29~~ 30 members as follows:

(1) The Chief Justice of the North Carolina Supreme Court shall appoint a sitting or former Justice or judge of the General Court of Justice, who shall serve as Chairman of the Commission;

(2) The Chief Judge of the North Carolina Court of Appeals, or another judge on the Court of Appeals, serving as his designee;

(3) The Secretary of Correction or his designee;

(4) The Secretary of Crime Control and Public Safety or his designee;

(5) The Chairman of the Parole Commission, or his designee;

(6) The President of the Conference of Superior Court Judges or his designee;

(7) The President of the District Court Judges Association or his designee;

(8) The President of the North Carolina Sheriff's Association or his designee;

(9) The President of the North Carolina Association of Chiefs of Police or his designee;

(10) One member of the public at large, who is not currently licensed to practice law in North Carolina, to be appointed by the Governor;

(11) One member to be appointed by the Lieutenant Governor;

(12) Three members of the House of Representatives, to be appointed by the Speaker of the House;

(13) Three members of the Senate, to be appointed by the President Pro Tempore of the Senate;

(14) The President Pro Tempore of the Senate shall appoint the representative of the North Carolina Community Sentencing Association that is recommended by the President of that organization;

(15) The Speaker of the House of Representatives shall appoint the member of the business community that is recommended by the President of the North Carolina Retail Merchants Association;

(16) The Chief Justice of the North Carolina Supreme Court shall appoint the criminal defense attorney that is recommended by the President of the North Carolina Academy of Trial Lawyers;

(17) The President of the Conference of District Attorneys or his designee;

(18) The Lieutenant Governor shall appoint the member of the North Carolina Victim Assistance Network that is recommended by the President of that organization;

(19) A rehabilitated former prison inmate, to be appointed by the Chairman of the Commission;

(20) The President of the North Carolina Association of County Commissioners or his designee;

(21) The Governor shall appoint the member of the academic community, with a background in criminal justice or corrections policy, that is recommended by the President of The University of North Carolina;

(22) The Attorney General, or a member of his staff, to be appointed by the Attorney General;

(23) The Governor shall appoint the member of the North Carolina Bar Association that is recommended by the President of that organization.

(24) A member of the Justice Fellowship Task Force, who is a resident of North Carolina, to be appointed by the Chairman of the Commission.

(25) The President of the Association of Clerks of Superior Court of North Carolina, or his designee.

(26) A representative of the Office of Juvenile Justice.

The Commission shall have its initial meeting no later than September 1, 1990, at the call of the Chairman. The Commission shall meet a minimum of four regular meetings each year. The Commission may also hold special meetings at the call of the Chairman, or by any four members of the Commission, upon such notice and in such manner as may be fixed by the rules of the Commission. A majority of the members of the Commission shall constitute a quorum."

PART VIII. REGISTRATION OF CERTAIN JUVENILES

Section 11. Effective October 1, 1999, Article 25 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"**§ 7B-2508.1. Registration of certain delinquent juveniles.**

In any case in which a juvenile, who was at least 11 years of age at the time of the offense, is adjudicated delinquent for committing a violation of G.S. 14-27.2 (first-degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first-degree sexual offense), G.S. 14-27.5 (second degree sexual offense), or G.S. 14-27.6 (attempted rape or sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the General Statutes."

PART IX. ALTERNATIVE LEARNING PROGRAMS ENCOURAGED

Section 12. G.S. 115C-47 is amended by adding the following new subdivision to read:

"(32a) To Develop Guidelines for Alternative Learning Programs. -- Local boards of education are encouraged to establish alternative learning programs. If these programs are established, local boards of education shall adopt guidelines for assigning students to them. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long-term suspension or expulsion. In developing these guidelines, local boards are encouraged to consider the State Board's guidelines developed under G.S. 115C-12(24). Upon adoption of guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47."

PART X. CONFORMING STATUTORY CHANGES

Section 13. (a) G.S. 7A-451(a)(14) reads as rewritten:

"(14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to ~~G.S. 7A-289.23;~~ G.S. 7B-1101;".

(b) G.S. 8-53.1 reads as rewritten:

"§ 8-53.1. Physician-patient privilege waived in child abuse.

Notwithstanding the provisions of G.S. 8-53, the physician-patient privilege shall not be ground for excluding evidence regarding the abuse or neglect of a child under the age of 16 years or regarding an illness of or injuries to such child or the cause thereof in any judicial proceeding related to a report pursuant to the North Carolina Juvenile Code, ~~Subchapter XI of~~ Chapter ~~7A~~ 7B of the General Statutes of North Carolina."

(c) G.S. 8-53.3 reads as rewritten:

"§ 8-53.3. Communications between psychologist and client or patient.

No person, duly authorized as a licensed psychologist or licensed psychological associate, nor any of his or her employees or associates, shall be required to disclose any information which he or she may have acquired in the practice of psychology and which information was necessary to enable him or her to practice psychology. Any resident or presiding judge in the district in which the action is pending may, subject to G.S. 8-53.6, compel disclosure, either at the trial or prior thereto, if in his or her opinion disclosure is necessary to a proper administration of justice. If the case is in district court the judge shall be a district court judge, and if the case is in superior court the judge shall be a superior court judge.

Notwithstanding the provisions of this section, the psychologist-client or patient privilege shall not be grounds for failure to report suspected child abuse or neglect to the appropriate county department of social services, or

for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services. Notwithstanding the provisions of this section, the psychologist-client or patient privilege shall not be grounds for excluding evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial proceeding related to a report pursuant to the Child Abuse Reporting Law, ~~Article 44 of Chapter 7A,~~ Article 3 of Chapter 7B of the General Statutes, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of Chapter 108A of the General Statutes."

(d) G.S. 8-57.1 reads as rewritten:

"§ 8-57.1. Husband-wife privilege waived in child abuse.

Notwithstanding the provisions of G.S. 8-56 and G.S. 8-57, the husband-wife privilege shall not be ground for excluding evidence regarding the abuse or neglect of a child under the age of 16 years or regarding an illness of or injuries to such child or the cause thereof in any judicial proceeding related to a report pursuant to the Child Abuse Reporting Law, ~~Article 8 of Chapter 110~~ Article 3 of Chapter 7B of the General Statutes of North Carolina."

(e) G.S. 14-208.6B reads as rewritten:

"§ 14-208.6B. Registration requirements for juveniles transferred to and convicted in superior court.

A juvenile transferred to superior court pursuant to ~~G.S. 7A-608~~ G.S. 7B-2200 who is convicted of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6 shall register in accordance with this Article just as an adult convicted of the same offense must register."

(f) G.S. 15A-502(c) reads as rewritten:

"(c) This section does not authorize the taking of photographs or fingerprints of a juvenile alleged to be delinquent except under ~~G.S. 7A-596 through 7A-601 and 7A-603.~~ Article 21 of Chapter 7B of the General Statutes."

(g) G.S. 35A-1371 reads as rewritten:

"§ 35A-1371. Jurisdiction; limits.

Notwithstanding the provisions of Subchapter II of this Chapter, the clerk of superior court shall have original jurisdiction for the appointment of a standby guardian for a minor child under this Article. Provided that the clerk shall have no jurisdiction, no standby guardian may be appointed under this Article, and no designation may become effective under this Article when a district court has assumed jurisdiction over the minor child in an action under Chapter 50 of the General Statutes or in an abuse, neglect, or dependency proceeding under ~~Subchapter XI of Chapter 7A~~ Subchapter I of Chapter 7B of the General Statutes, or when a court in another state has assumed such jurisdiction under a comparable statute."

(h) G.S. 48-1-109(c) reads as rewritten:

"(c) An order for a report to the court must be sent to a county department of social services in this State or an agency licensed by the Department. If the petitioner moves to a different state before the agency completes the report, the agency shall request a report from an agency authorized to prepare such reports in the petitioner's new state of residence pursuant to the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1, et seq.~~ Article 38 of Chapter 7B of the General Statutes."

(i) G.S. 48-2-102(b) reads as rewritten:

"(b) If an adoptee is also the subject of a pending proceeding under ~~Subchapter XI of Chapter 7A~~ Chapter 7B of the General Statutes, then the district court having jurisdiction under Chapter ~~7A~~ 7B shall retain jurisdiction until the final order of adoption is entered. The district court may waive jurisdiction for good cause."

(j) G.S. 48-3-201(d) reads as rewritten:

"(d) An agency having legal and physical custody of a minor may place the minor for adoption at any time after a relinquishment is executed by anyone as permitted by G.S. 48-3-701. The agency may place the minor for adoption even if other consents are required before an adoption can be granted, unless an individual whose consent is required notifies the agency in writing of the individual's objections before the placement. The agency shall act promptly after accepting a relinquishment to obtain all other necessary consents, relinquishments, or terminations of any guardian's authority pursuant to Chapter 35A of the General Statutes or parental rights pursuant to ~~Article 24B of Chapter 7A~~ Article 11 of Chapter 7B of the General Statutes."

(k) G.S. 48-2-304(c) reads as rewritten:

"(c) A petition to adopt a minor under Article 3 of this Chapter shall also state:

(1) A description of the source of placement and the date of placement of the adoptee with the petitioner; and

(2) That the provisions of the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1, et seq.,~~ Article 38 of Chapter 7B of the General Statutes, were followed if the adoptee was brought into this State from another state for purposes of adoption."

(l) G.S. 48-2-603 reads as rewritten:

"**§ 48-2-603. Hearing on, or disposition of, petition to adopt a minor.**

(a) At the hearing on, or disposition of, a petition to adopt a minor, the court shall grant the petition upon finding by a preponderance of the evidence that the adoption will serve the best interest of the adoptee, and that:

(1) At least 90 days have elapsed since the filing of the petition for adoption, unless the court for cause waives this requirement;

(2) The adoptee has been in the physical custody of the petitioner for at least 90 days, unless the court for cause waives this requirement;

(3) Notice of the filing of the petition has been served on any person entitled to receive notice under Part 4 of this Article;

(4) Each necessary consent, relinquishment, waiver, or judicial order terminating parental rights, has been obtained and filed with the court and the time for revocation has expired;

(5) Any assessment required by this Chapter has been filed with and considered by the court;

(6) If applicable, the requirements of the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1, et seq.,~~ Article 38 of Chapter 7B of the General Statutes, have been met;

(7) Any motion to dismiss the proceeding has been denied;

(8) Each petitioner is a suitable adoptive parent;

(9) Any accounting and affidavit required under G.S. 48-2-602 has been reviewed by the court, and the court has denied, modified, or ordered reimbursement of any payment or disbursement that violates Article 10 or is unreasonable when compared with the expenses customarily incurred in connection with an adoption;

(10) The petitioner has received information about the adoptee and the adoptee's biological family if required by G.S. 48-3-205; and

(11) There has been substantial compliance with the provisions of this Chapter.

(b) If the Court finds a violation of this Chapter pursuant to Article 10 or of the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1, et seq.,~~ Article 38 of Chapter 7B of the General Statutes, but determines that in every other respect there has been substantial compliance with the provisions of this Chapter, and the adoption will serve the best interest of the adoptee, the court shall:

(1) Grant the petition to adopt; and

(2) Impose the sanctions provided by this Chapter against any individual or entity who has committed a prohibited act or report the violations to the appropriate legal authorities.

(c) The court on its own motion may continue the hearing for further evidence."

(m) G.S. 48-2-305(7) reads as rewritten:

"(7) Any signed copy of the form required by the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1, et seq.,~~ Article 38 of Chapter 7B of the General Statutes, authorizing a minor to come into this State;".

(n) G.S. 48-3-207 reads as rewritten:

"§ 48-3-207. Interstate placements.

An interstate placement of a minor for purposes of adoption shall comply with the Interstate Compact on the Placement of Children, ~~G.S. 110-57.1 et seq.~~ Article 38 of Chapter 7B of the General Statutes."

(o) G.S. 48-3-603(a)(1) reads as rewritten:

"(1) An individual whose parental rights and duties have been terminated under ~~Article 24B of Chapter 7A.~~ Article 11 of Chapter 7B of the General Statutes or by a court of competent jurisdiction in another state;".

(p) G.S. 50-13.1(f) reads as rewritten:

"(f) Neither the mediator nor any party or other person involved in mediation sessions under this section shall be competent to testify to communications made during or in furtherance of such mediation sessions; provided, there is no privilege as to communications made in furtherance of a crime or fraud. Nothing in this subsection shall be construed as permitting an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of ~~G.S. 7A-543~~ Article 3 of Chapter 7B of the General Statutes or G.S. 108A-102."

(q) G.S. 50A-25 reads as rewritten:

"**§ 50A-25. Emergency orders.**

Nothing in this Chapter shall be interpreted to limit the authority of the court to issue an interlocutory order under the provisions of G.S. 50-13.5(d)(2); or a secure or nonsecure custody order under the provisions of ~~G.S. 7A-573.~~ G.S. 7B-502."

(r) G.S. 50B-6 reads as rewritten:

"**§ 50B-6. Construction of Chapter.**

This Chapter shall not be construed as granting a status to any person for any purpose other than those expressly stated herein. This Chapter shall not be construed as relieving any person or institution of the duty to report to the department of social services, as required by ~~G.S. 7A-543,~~ G.S. 7B-301, if the person or institution has cause to suspect that a juvenile is abused or neglected."

(s) G.S. 51-2(a) reads as rewritten:

"(a) All unmarried persons of 18 years, or older, may lawfully marry, except as hereinafter forbidden. In addition, persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for such marriage, only after there shall have been filed with the register of deeds a written consent to such marriage, said consent having been signed by the appropriate person as follows:

(1) By the father if the male or female child applying to marry resides with his or her father, but not with his or her mother;

(2) By the mother if the male or female child applying to marry resides with his or her mother, but not with his or her father;

(3) By either the mother or father, without preference, if the male or female child applying to marry resides with his or her mother and father;

(4) By a person, agency, or institution having legal custody, standing in loco parentis, or serving as guardian of such male or female child applying to marry.

Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued pursuant to Article ~~56 of Chapter 7A~~ 35 of Chapter 7B of the General Statutes or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds."

(t) G.S. 90-21.6(1) reads as rewritten:

"(1) 'Unemancipated minor' or 'minor' means any person under the age of 18 who has not been married or has not been emancipated pursuant to Article ~~56 of Chapter 7A~~ 35 of Chapter 7B of the General Statutes."

(u) G.S. 90-21.8(f) reads as rewritten:

"(f) The court shall make written findings of fact and conclusions of law supporting its decision and shall order that a confidential record of the evidence be maintained. If the court finds that the minor has been a victim of incest, whether felonious or misdemeanor, it shall advise the Director of the Department of Social Services of its findings for further action pursuant to Article ~~44 of Chapter 7A~~ 3 of Chapter 7B of the General Statutes."

(v) G.S. 108A-14(a)(11) reads as rewritten:

"(11) To investigate reports of child abuse and neglect and to take appropriate action to protect such children pursuant to the Child Abuse Reporting Law, ~~Article 44 of Chapter 7A;~~ Article 3 of Chapter 7B of the General Statutes;".

(w) G.S. 110-102 reads as rewritten:

"§ 110-102. Information for parents.

The Secretary shall provide to each operator of a child care facility a summary of this Article for the parents, guardian, or full-time custodian of each child receiving child care in the facility to be distributed by the operator. The summary shall include the name and address of the Secretary and the address of the Commission. The summary shall also include a statement regarding the mandatory duty prescribed in ~~G.S. 7A-543~~ G.S. 7B- 301 of any person suspecting child abuse or neglect has taken place in child care, or elsewhere, to report to the county Department of Social Services. The statement shall include the definitions of child abuse and neglect described in the Juvenile Code in ~~G.S. 7A-517~~ G.S. 7B-101 and of child abuse described in the Criminal Code in G.S. 14-318.2 and G.S. 14-318.4. The statement shall stress that this reporting law does not require that the person reporting reveal the person's identity."

(x) G.S. 110-105.2(a) reads as rewritten:

"(a) For purposes of this Article, child abuse and neglect, as defined in ~~G.S. 7A-517~~ G.S. 7B-101 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in child care facilities, are violations of the licensure standards and of the licensure law."

(y) G.S. 110-147 reads as rewritten:

"§ 110-147. Purpose.

It is the expressed intent of this Article to make the prevention of child abuse and neglect as defined in ~~G.S. 7A-517,~~ G.S. 7B-101, a priority of this State and to establish the Children's Trust Fund as a means to that end."

(z) G.S. 114-15.3 reads as rewritten:

"**§ 114-15.3. Investigations of child sexual abuse in child care.**

The Director of the Bureau may form a task force to investigate and gather evidence following a notification by the director of a county department of social services, pursuant to ~~G.S. 7A-543,~~ G.S. 7B-301, that child sexual abuse may have occurred in a child care facility."

(aa) G.S. 115C-378 reads as rewritten:

"**§ 115C-378. Children required to attend.**

Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and 16 years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. Every parent, guardian, or other person in this State having charge or control of a child under age seven who is enrolled in a public school in grades kindergarten through two shall also cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school. No person shall encourage, entice or counsel any such child to be unlawfully absent from school. The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school policy.

The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness or other unavoidable cause which does not constitute unlawful absence as defined by the State Board of Education. The term 'school' as used herein is defined to embrace all public schools and such nonpublic schools as have teachers and curricula that are approved by the State Board of Education.

All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused

absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education. Once the parents are notified, the school attendance counselor shall work with the child and his family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem. The attendance counselor may request that a law-enforcement officer accompany him if he believes that a home visit is necessary.

After 10 accumulated unexcused absences in a school year the principal shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and his parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that parent, guardian, or custodian has not, he shall notify the district attorney. If he determines that parent, guardian, or custodian has, he may file a complaint with the juvenile intake counselor ~~under G.S. 7A-561~~ pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse. Evidence that shows that the parents, guardian, or custodian were notified and that the child has accumulated 10 absences which cannot be justified under the established attendance policies of the local board shall establish a prima facie case that the child's parent, guardian, or custodian is responsible for the absences."

(bb) G.S. 115C-400 reads as rewritten:

"**§ 115C-400. School personnel to report child abuse.**

Any person who has cause to suspect child abuse or neglect has a duty to report the case of the child to the Director of Social Services of the county, as provided in ~~G.S. 7A-543 to 7A-552.~~ Article 3 of Chapter 7B of the General Statutes."

(cc) G.S. 115C-404(a) reads as rewritten:

"(a) Written notifications received in accordance with ~~G.S. 7A-675.1~~ Article 31 of Chapter 7B of the General Statutes are confidential records, are not public records as defined under G.S.132-1, and shall not be made part of the student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall maintain these documents in a safe, locked record storage that is separate from the student's other school records. The principal shall maintain these documents until the principal receives notification that the judge dismissed the ~~petition under G.S. 7A-637,~~ petition, the judge transferred jurisdiction over the student to superior ~~court under G.S. 7A-608,~~ court, or the judge granted the student's petition for expunction of the ~~records.~~ records pursuant to Chapter 7B of the General Statutes. At that time, the principal shall shred, burn, or otherwise destroy the documents to protect the

confidentiality of this information. In no case shall the principal make a copy of these documents."

(dd) G.S. 122C-54(h) reads as rewritten:

"(h) A facility shall disclose confidential information for purposes of complying with Article ~~44 of Chapter 7A~~ 3 of Chapter 7B of the General Statutes and Article 6 of Chapter 108A of the General Statutes, or as required by other State or federal law."

(ee) G.S. 122C-66(e) reads as rewritten:

"(e) The duty imposed by this section is in addition to any duty imposed by G.S. ~~7A-543~~ 7B-301 or G.S. 108A-102."

(ff) G.S. 122C-223(c) reads as rewritten:

"(c) If the legally responsible person cannot be located within 72 hours of admission, the responsible professional shall initiate proceedings for juvenile protective services as described in Article ~~44 of Chapter 7A~~ 3 of Chapter 7B of the General Statutes in either the minor's county of residence or in the county in which the facility is located."

(gg) G.S. 122C-421(a) reads as rewritten:

"(a) The Secretary may designate one or more special police officers who shall make up a joint security force to enforce the law of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Black Mountain Center, the Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all in Buncombe County. After taking the oath of office for law enforcement officers as set out in G.S. 11-11, these special police officers have the same powers as peace officers now vested in sheriffs within the territory embraced by the named centers. These special police officers shall also have the power prescribed by ~~G.S. 7A-571(a)(4)~~ G.S. 7B-1900 outside the territory embraced by the named centers but within the confines of Buncombe County. These special police officers may arrest persons outside the territory of the named centers but within the confines of Buncombe County when the person arrested has committed a criminal offense within that territory, for which the officers could have arrested the person within that territory, and the arrest is made during the person's immediate and continuous flight from that territory."

(hh) G.S. 131D-10.2(3) reads as rewritten:

"(3) 'Child' means an individual less than 18 years of age, who has not been emancipated under the provisions of ~~Article 56 of Chapter 7A~~ Article 35 of Chapter 7B of the General Statutes."

(ii) G.S. 131D-10.4(3) reads as rewritten:

"(3) Secure detention facilities as specified in Article ~~5 of Chapter 134A~~ 40 of Chapter 7B of the General Statutes;".

(jj) G.S. 132-1.4(l) reads as rewritten:

"(l) Records of investigations of alleged child abuse shall be governed by ~~G.S. 7A-675.~~ Article 29 of Chapter 7B of the General Statutes."

(kk) G.S. 143-576(1) reads as rewritten:

"(1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to ~~G.S. 7A-543~~ G.S. 7B-301 at any time before death;".

(ll) G.S. 143B-168.14(a)(3) reads as rewritten:

"(3) Each local partnership shall adopt procedures to ensure that all personnel who provide services to young children and their families under this Part know and understand their responsibility to report suspected child abuse, neglect, or dependency, as defined in ~~G.S. 7A-517.~~ G.S. 7B-101."

(mm) G.S. 143B-496 reads as rewritten:

"**§ 143B-496. Definitions.**

For the purpose of this Part:

(1) 'Missing child' means a juvenile as defined in G.S. ~~7A-517(20)~~ 7B-101 whose location has not been determined, who has been reported as missing to a law-enforcement agency, and whose parent's, spouse's, guardian's or legal custodian's temporary or permanent residence is in North Carolina or is believed to be in North Carolina.

(2) 'Missing person' means any individual who is 18 years of age or older, whose temporary or permanent residence is in North Carolina, or is believed to be in North Carolina, whose location has not been determined, and who has been reported as missing to a law-enforcement agency.

(3) 'Missing person report' is a report prepared on a prescribed form for transmitting information about a missing person or a missing child to an appropriate law-enforcement agency."

(nn) G.S. 153A-221.1 reads as rewritten:

"**§ 153A-221.1. Standards and inspections.**

The legal responsibility of the Secretary of Health and Human Services and the Social Services Commission for State services to county juvenile detention homes under this Article is hereby confirmed and shall include the following: development of State standards under the prescribed procedures; inspection; consultation; technical assistance; and training. Further, the legal responsibility of the Department of Health and Human Services is hereby expanded to give said Department the same legal responsibility as to the State-administered regional detention homes which shall be developed by the State Department of Correction as provided by ~~G.S. 134A-37.~~ G.S. 7B-4008.

The Secretary of Health and Human Services shall develop new standards which shall be applicable to county detention homes and regional detention homes as defined by ~~G.S. 134-36~~ Article 40 of Chapter 7B of the General Statutes in line with the recommendations of the report entitled Juvenile Detention in North Carolina: A Study Report (January, 1973) where practicable, and such new standards shall become effective not later than July 1, 1977.

The Secretary of Health and Human Services shall also develop standards under which a local jail may be approved as a holdover facility for not more than five calendar days pending placement in a juvenile detention home which meets State standards, providing the local jail is so arranged that any child placed in the holdover facility cannot converse with, see, or be seen by the adult population of the jail while in the holdover facility. The personnel responsible for the administration of a jail with an approved holdover facility shall provide close supervision of any child placed in the holdover facility for the protection of the child."

(oo) If G.S. 143B-150.20 is enacted by Senate Bill 1366 of the 1997 General Assembly, then, effective July 1, 1999, G.S. 143B-150.20 is amended by deleting "G.S. 7A-675.1(d)" and substituting "G.S. 7B-2902(d)".

Section 14. Effective October 1, 1999, G.S. 14-208.31 reads as rewritten:

"**§ 14-208.31. File with Police Information Network.**

(a) The Division shall include the registration information in the Police Information Network as set forth in G.S. 114-10.1.

(b) The Division shall maintain the registration information permanently even after the registrant's reporting requirement expires; however, the records shall remain confidential in accordance with ~~G.S. 7A-675.~~ Article 32 of Chapter 7B of the General Statutes."

Section 15. G.S. 7A-302 reads as rewritten:

"**§ 7A-302. Counties and municipalities responsible for physical facilities.**

In each county in which a district court has been established, ~~courtrooms~~ courtrooms, office space for juvenile court counselors and support staff as assigned by the Office of Juvenile Justice, and related judicial facilities (including furniture), as defined in this Subchapter, shall be provided by the county, except that courtrooms and related judicial facilities may, with the approval of the Administrative Officer of the Courts, after consultation with county and municipal authorities, be provided by a municipality in the county. To assist a county or municipality in meeting the expense of providing courtrooms and related judicial facilities, a part of the costs of court, known as the 'facilities fee,' collected for the State by the clerk of superior court, shall be remitted to the county or municipality providing the facilities."

PART XI. DIRECTIVES, STUDIES, REPORTS AND TRAINING

Section 16. The Department of Justice shall revise the Division of Criminal Information's juvenile arrest form that is used by State and local law enforcement agencies to provide more realistic reporting options and case disposition information. The Department of Justice shall rename the "Juvenile Arrest" form the "Juvenile Contact Report", with instructions to law enforcement "Use to Record the Handling of Juveniles Who Commit Criminal Offenses" and shall amend the report based on the form included with Recommendation 51 of the March 10, 1998, final report of the Governor's Commission on Juvenile Crime and Justice.

Section 17. (a) The Department of Justice shall develop guidelines for minority sensitivity training for all law enforcement personnel throughout the State. The Department shall ensure that all persons who work with minority juveniles in the juvenile justice system are taught how to communicate effectively with minority juveniles and how to recognize and address the needs of those juveniles. The Department shall also advise all law enforcement and professionals who work within the juvenile justice system of ways to improve the treatment of minority juveniles so that all juveniles receive equal treatment. Except where local law enforcement has existing minority sensitivity training that meets the Department guidelines, the Department shall conduct the minority sensitivity training annually. Prior to the training each year, the Department shall assess whether minorities are receiving fair and equal treatment in the juvenile justice system with regard to the administration of predisposition procedures, of diversion methods, of dispositional alternatives, and of treatment and post-release supervision plans.

(b) The Office of Juvenile Justice shall ensure that all juvenile court counselors and other Division personnel receive the minority sensitivity training specified in subsection (a) of this section. The Chief Justice of the North Carolina Supreme Court shall consider ensuring that all judges who hear cases under the jurisdiction of the juvenile court receive minority sensitivity training.

(c) All guidelines and training required by this section shall be in effect no later than May 1, 1999.

Section 18. (a) The Office of Juvenile Justice shall provide training for juvenile court counselors and all other Office personnel on the provisions of Chapter 7B of the General Statutes as enacted by this act and may contract with qualified educational institutions to provide such training.

(b) The Administrative Office of the Courts shall provide training for court personnel, including judges and district attorneys, on the provisions of Chapter 7B of the General Statutes as enacted by this act and may contract with qualified educational institutions to provide such training.

(c) The Department of Justice shall provide training for law enforcement personnel throughout the State on the provisions of Chapter 7B of the General Statutes as enacted by this act.

(d) Training of all existing personnel, pursuant to this section, shall be completed no later than July 1, 1999.

Section 19. The Legislative Research Commission may review the changes proposed to the juvenile justice system contained in House Bill 1561 and Senate Bill 1513 of the 1997 General Assembly. The study may include other issues relevant to the disposition of abuse, neglect, and dependency cases. The Legislative Research Commission shall report its findings, recommendations, and any legislative proposals to the 1999 General Assembly.

Section 20. (a) The State Board of Education shall study the feasibility and advisability of delaying the start of the school day in order to

provide students with constructive projects and tasks during late afternoon hours of the school week. If the Board recommends that the school day be delayed, the Board shall consider whether the local school administrative units should provide supervision of students whose working parents do not have early morning child care available.

(b) The State Board of Education shall report its findings, recommendations, and any legislative proposals to the Joint Legislative Education Oversight Committee on or before May 1, 1999.

Section 21. (a) The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall develop a juvenile justice information plan for creation of the juvenile justice information system. The plan shall ensure that the information system will enable the State to evaluate the efficiency and effectiveness of the overall juvenile justice system as well as to monitor and evaluate the progress of individual clients and shall specify the:

(1) Scope and purpose of the system;
(2) Management information that will be collected and tracked;
(3) General design of the system;
(4) Estimates of the short- and long-range cost of the system and the potential sources and amounts of federal funding; and
(5) Estimated time required to develop the system.

The plan shall include priorities for system development, implementation, and options, including cost estimates for phasing in components of the system. In developing the plan, the Criminal Justice Information Network Governing Board shall consult with the Information Resources Management Commission on the design and estimated cost of the system. The Board shall also consult with the Sentencing and Policy Advisory Commission and with all agencies likely to be part of or need access to the juvenile justice information system.

(b) Pursuant to the juvenile justice information plan, the Criminal Justice Information Network Governing Board shall develop a comprehensive juvenile justice information system. The Board shall develop a system to collect data and information about every juvenile who is alleged to be delinquent from the time a complaint is filed against the juvenile, including:

(1) Fingerprints and photographs taken of the juvenile;
(2) Diversion agreements or plans entered into by the juvenile;
(3) Community services provided to the juvenile and any participation of the juvenile in community-based programs;
(4) Court orders or dispositions of the juvenile; and
(5) Plans for care or treatment or for post-release supervision prepared by the Office of Juvenile Justice.

The system shall allow for information and data on juveniles to be kept in a form to be shared among appropriate agencies to develop treatment and intervention plans based on specific data and to allow reliable assessment and

evaluation of the effectiveness of rehabilitative and preventive services provided to delinquent juveniles.

(c) The Criminal Justice Information Network Governing Board shall also study the most appropriate methods and procedures for obtaining, retaining, and releasing fingerprints and photographs of juveniles alleged to be delinquent, including:

(1) How to identify fingerprints and photographs of juveniles, including the use of social security numbers;

(2) How long fingerprints and photographs of juveniles should be maintained in the criminal justice information system;

(3) The extent to which juvenile fingerprints and photographs are kept confidential;

(4) The circumstances or conditions under which juvenile fingerprints and photographs should be disseminated;

(5) Whether juvenile fingerprints and photographs should be kept separate from adult records and files; and

(6) When the juvenile fingerprints and photographs should be destroyed.

(d) The Criminal Justice Information Network Governing Board shall consider the issue of expunction of juvenile records, including the appropriate length of time juvenile records should be available to law enforcement, prosecutors, and service providers and under what limitations and conditions records should be expunged.

(e) The Criminal Justice Information Network Governing Board shall report to the Chairs of the Senate and House Appropriations Committees and to the Fiscal Research Division of the General Assembly on the proposed system and any findings, recommendations, and legislative proposals from its study on or before May 1, 1999.

Section 22. (a) The Office of Juvenile Justice shall develop a cost-effective plan to establish statewide community-based dispositional alternatives for juveniles who are adjudicated delinquent. The plan shall include a funding strategy to encourage communities to provide local resources, services, and treatment options to meet the physical, emotional, and mental needs of juveniles and their families. In developing the plan, the Office shall consider the following community-based alternatives:

(1) Home-based family counseling with family support groups that can provide required intervention services;

(2) After-school activity programs for middle school juveniles targeted at potential at-risk juveniles during the time when most juvenile crimes occur;

(3) Inpatient and outpatient substance abuse and sex offender treatment programs;

(4) Intensive supervision of high-risk juveniles; and

(5) Group homes with psychological treatment and programs for juveniles who do not pose a threat to the public but who need long-term intervention services.

In addition, in developing the plan, the Office shall recommend which judicial districts with high crime rates should have nonresidential day reporting centers to provide intensive supervision.

(b) The Office shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division of the General Assembly on the proposed plan, the cost of the plan, and on any legislative proposals required to implement the plan on or before April 1, 2000.

Section 23. (a) The Office of Juvenile Justice shall establish a phased-in 10-county pilot On Track program as an additional probation option for certain juvenile delinquents who are subject to Level 2 disposition. Juveniles enrolled in this program will be placed under the supervision of a special On Track court counselor as case manager for the juvenile. Every juvenile enrolled in the On Track program will be subjected to a risk and needs assessment, a responsibility contract, a restitution requirement, parental accountability, counseling attendance, and graduation upon completion of the program. The responsibility contract shall be signed by the juvenile, the juvenile's parents, guardian or custodian, and the On Track court counselor. The contract shall include the agreement of the parties to restitution requirements, school attendance and appropriate school conduct, extracurricular school activity participation, obedience to parental supervision, counseling requirements, and requirements for abstinence from substance abuse. The program shall provide for intense intervention by the On Track court counselor. Each juvenile enrolled shall be assigned a trained mentor by the On Track court counselor.

(b) This section shall not become effective until funds are appropriated to implement this section.

Section 24. (a) The Office of Juvenile Justice shall establish three pilot Guard Response Alternative Sentencing Programs in three separate District Court Divisions as an additional probation option for certain first-time juvenile delinquents who are subject to Level 2 disposition through contract services.

(b) This section shall not become effective until funds are appropriated to implement this section.

Section 25. (a) The Administrative Office of the Courts shall establish pilot programs for the holding of family court within district court districts to be chosen by the Administrative Office of the Courts. Each pilot program shall be conducted following the guidelines for the establishment of family courts contained in the report of the Commission for the Future of Justice and the Courts in North Carolina and shall be assigned to hear all matters involving intrafamily rights, relationships, and obligations, and all juvenile justice matters, including:

(1) Child abuse, neglect, and dependency;
(2) Delinquent and undisciplined juvenile matters;
(3) Emancipation of minors and termination of parental rights;
(4) Divorce;
(5) Annulment;
(6) Equitable distribution;
(7) Alimony and postseparation support;
(8) Child custody;
(9) Child support;
(10) Paternity;
(11) Adoption;
(12) Domestic violence civil restraining orders;
(13) Abortion consent waivers;
(14) Adult protective services; and
(15) Guardianship, involuntary commitment, and voluntary admissions to mental health facilities.

(b) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division of the General Assembly by March 1, 2000, on the success of the pilot programs in bringing consistency, efficiency, and fairness to the resolution of family matters and on the impact of the programs on caseloads in the district court division.

(c) If no funds are appropriated in the 1998-99 fiscal year to implement this section, this section shall not become effective.

Section 26. (a) The General Assembly finds that there are multiple risk factors that put youth at risk of becoming delinquent, such as aggression, school failure, child abuse and neglect, substance abuse, extreme economic deprivation, friends who engage in problem behavior, inconsistent and ineffective discipline, poor parental supervision, and family conflict. There are currently a number of screening programs available through a number of State and local entities that, if better coordinated, can provide adequate identification of delinquency risk factors so that delinquency prevention programs and services can be effective.

The General Assembly further finds that there are currently a number of State and local entities that provide delinquency prevention programs to at-risk youth and their families, including early intervention programs and programs improving cognitive and social competence and self-control skills, improving parenting skills, and providing positive role models. Many of these programs are already available and need only to be made more accessible and to be better coordinated with other existing programs and services.

(b) The Office of Juvenile Justice shall ensure that existing programs made available through a number of entities, both at the State and at the local level, that provide screenings that can provide adequate identification of delinquency risk factors, continue to be used in a consistent, coordinated, and

cost-effective way so as to enable delinquency prevention programs and services to be utilized in a consistent, coordinated, and cost-effective way.

(c) In implementing this section, the Office shall cooperate with all affected State and local public and private entities, including local education agencies, local health departments, developmental evaluation centers, local departments of social services, the Division of Women and Children's Health, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services, law enforcement agencies, and nonprofit agencies.

(d) The Office shall report to the General Assembly by April 1, 2000, on its implementation of this section. This report shall include an evaluation of the screenings and prevention programs, an identification of any bars in the law or in any agency's policy that preclude effective cooperation, together with any legislative and rule recommendations that are needed, recommendations as to any new screening or prevention programs and services that are needed, and a detailed cost analysis of these recommendations.

Section 27. (a) The Office of Juvenile Justice, in cooperation with the Department of Public Instruction, shall study more effective and efficient ways to:

(1) Coordinate case management of delinquency and undisciplined cases;

(2) Provide services to juveniles who are in need of treatment, counseling, or rehabilitation and to the families of those juveniles, including court- ordered parenting responsibility classes; and

(3) Provide the maximum protection to the public and to local school administrative units, in particular, through the sharing of information between agencies that work with juveniles who are delinquent or undisciplined and increased accountability of those juveniles and their parents.

(b) On or before April 1, 2000, the Office of Juvenile Justice and the Department of Public Instruction shall report its findings and recommendations, including any legislative proposals, to the General Assembly.

Section 28. The Office of Juvenile Justice shall use available funds to develop a risk and needs assessment instrument to be used to determine the treatment needs of delinquent juveniles and the risk that a delinquent juvenile will commit additional delinquent acts. The Office shall consider including the following factors in the instrument:

(1) Information regarding the juvenile's living situation;

(2) Information regarding drug or alcohol use by the juvenile or a member of the juvenile's household or immediate family;

(3) Information regarding the juvenile's school attendance; and

(4) Information regarding the juvenile's family, including any criminal history.

The Office shall present the recommended risk and needs assessment instrument to the Joint Legislative Commission on Governmental Operations by May 1, 1999.

Section 29. The Office of Juvenile Justice shall use funds within its budget to evaluate the effectiveness of the reform measures implemented pursuant to the provisions of this act. The Office shall report the results of the evaluation and any recommended legislative amendments to Chapter 7B of the General Statutes to the Joint Legislative Commission on Governmental Operations by October 1, 2000.

Section 30. The Office of Juvenile Justice in consultation with the North Carolina Sentencing and Policy Advisory Commission shall study blended sentencing and direct filing in certain juvenile cases. The study shall include, among other issues, consideration of whether North Carolina should adopt a criminal-inclusive model of blended sentencing whereby (i) a presiding superior court judge may simultaneously impose a juvenile disposition and an adult criminal disposition upon a juvenile transferred to superior court, and (ii) execution of the adult criminal disposition is suspended during imposition of the juvenile disposition and pending a violation or reoffense by the juvenile. The study shall examine various models of blended sentencing, and may include a comprehensive survey of other states that have adopted variations of blended sentencing. The study shall also examine whether a prosecutor should have the authority to directly charge a juvenile as an adult in the case of 15-year-olds who have committed Class A-E felonies. The Office shall report the results of the study, including any legislative recommendations, to the General Assembly no later than March 15, 2000.

Section 31. The Office of Juvenile Justice, in cooperation with the Department of Health and Human Services, shall study the funding process for juvenile delinquency and substance abuse prevention programs provided for in this act. The study shall consider whether the process should be designed in such a way that funds are allocated to a program for a specific juvenile being served by the program, and whether the allocated funding should then follow that juvenile. The Office shall also consider whether a county should continue to fund services for a juvenile who has been receiving delinquency prevention services and is subsequently adjudicated delinquent and committed to training school, and whether, if still appropriate to reduce the recidivism risk, the county should send the program dollars to the training school. The Office shall report its findings and recommendations, by May 1, 1999, to the Fiscal Research Division of the General Assembly and to the Chairs of the House and Senate Appropriations Committees and to the Chairs of the Appropriations Subcommittees on Human Resources.

Section 32. The State Board of Education, through the Department of Public Instruction, shall study and report to the General Assembly on ways

for the State to provide an alternative educational program for any student suspended or expelled from school. This study shall include (i) a review of current safe school plans and alternative educational programs, (ii) an analysis of current data on suspensions and expulsions, (iii) an assessment of federal, state, local, and private resources currently available to provide an educational program for students suspended or expelled from school, (iv) research of other educational programs offered by other State agencies, (v) a review of current law related to suspension and expulsion from school and the right to a public education, (vi) recommendations for a plan and timetable for implementing alternative educational programs for every student suspended or expelled from school, and (vii) a review of policies and procedures for transporting aggressive or assaultive students with other students, including disabled students, and development of a plan to insure the protection of all students, particularly disabled students from physical harm by aggressive or assaultive students. The State Board of Education shall report the results of this study, including any legislative recommendations, to the Joint Legislative Education Oversight Committee by May 1, 1999.

Section 33. The Office of Juvenile Justice shall use funds within its budget to study the overrepresentation of racial minorities in the juvenile justice system. The Office shall compare the dispositions for minority juveniles adjudicated delinquent or undisciplined with the dispositions for nonminority juveniles. The Office shall also compare the services made available to minority and nonminority juveniles and their families. To the extent that inequities are found, the Office shall make recommendations, including any legislative proposals, as to how those disparities should be addressed. The Office may hire an outside consultant to assist it with its work.

The Office shall report annually, no later than May 1, to the Governor, Chief Justice, and the General Assembly on any findings, recommendations, or legislative proposals. The Office shall make its final report to the Governor, Chief Justice, and the General Assembly no later than May 1, 2002.

Section 34. The Office of Juvenile Justice shall use funds within its budget to study the use of detention facilities and make recommendations as to how those detention facilities could be utilized more efficiently. The study shall include a statistical analysis of the number of juveniles housed in detention facilities, the reasons for their detention, the length of their stays, and the numbers and frequency that juveniles are detained in adult jails. The Office shall report its findings and recommendations by May 1, 1999, and again by January 15, 2001, to the Fiscal Research Division of the General Assembly and the Chairs of the House and Senate Appropriations Committees.

PART XII. FACILITIES CONSTRUCTION

Section 35. (a) The Office of State Construction of the Department of Administration may contract for and supervise all aspects of

administration, technical assistance, design, construction, or demolition of any juvenile facilities authorized for the 1998-99 fiscal year, including renovation of existing adult facilities to juvenile facilities.

The facilities authorized for the 1998-99 fiscal year shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Office of Juvenile Justice, finds that the delivery of juvenile facilities must be expedited for good cause, the Office of State Construction of the Department of Administration shall be exempt from the following statutes and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143- 408.1 through 143-408.7.

Prior to exercising the exemptions allowable under this section, the Secretary of Administration shall give reasonable notice in writing of the Department's intent to exercise the exemptions to the Speaker of the House, the President Pro Tempore of the Senate, the Chairs of the House and Senate Appropriations Committees, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division. The written notice shall contain at least the following information: (i) the specific statutory requirement or requirements from which the Department intends to exempt itself; (ii) the reason the exemption is necessary to expedite delivery of juvenile facilities; (iii) the way in which the Department anticipates the exemption will expedite the delivery of facilities; and (iv) a brief summary of the proposed contract for the project which is to be exempted.

The Office of State Construction of the Department of Administration shall have a verifiable ten percent (10%) goal for participation by minority and women-owned businesses. All contracts for the design, construction, or demolition of juvenile facilities shall include a penalty for failure to complete the work by a specified date.

The Office of State Construction of the Department of Administration shall consult the Department of Health and Human Services on these projects to the extent that such involvement relates to the Department's program needs and to its responsibility for the care of the population of the facility.

(b) The Office of State Construction of the Department of Administration shall provide a report by May 1, 1999, to the Chairs of the Senate and House Appropriations Committees, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division as to any changes in projects and allocations authorized for the 1998-99 fiscal year. The report shall include information on which contractors have been selected, what contracts have been entered into, the projected and actual occupancy dates of facilities contracted for, the number of beds to be constructed on each project, the location of each project, and the projected and actual cost of each project.

PART XIII. SEVERABILITY CLAUSE

Section 36. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

PART XIV. EFFECTIVE DATES

Section 37. (a) Sections 1, 3, 4, 15, 18, 22, 23, 24, 26 through 31, 33, and 34 of this act become effective January 1, 1999, and apply to acts committed on or after that date.

(b) Sections 2, 5 through 10, 12, and 13 of this act become effective July 1, 1999, and apply to acts committed on or after that date.

(c) Sections 11 and 14 of this act become effective October 1, 1999.

(d) The remainder of this act is effective when it becomes law.

EXECUTIVE ORDERS BY GOVERNOR JAMES B. HUNT, JR.
By Title
January 1998 – December 1998

Number	Title
127	North Carolina Board of Ethics
128	Designating the Year of the Volunteer
129	Governor's Task Force on Driving While Impaired
130	Extending Executive Order No. 94
131	Amending Executive Order No. 127 North Carolina Board of Ethics
132	Volunteer Leave for State Employees Serving in the 1999 Special Olympics World Summer Games
133	Governor's Public Management Internship Program
134	The Commission on Substance Abuse Treatment and Prevention
135	Extending Executive Order No. 47 Board of Education for the Schools for the Deaf

136 Governor's Advisory Council on Hispanic/Latino Affairs

137 Amending Executive Order No. 84 North Carolina Home Furnishings Export Council

138 Emergency Relief for Damage Caused by Hurricane Bonnie

139 Psychologists and Social Workers Licensed or Certified Out of State Permitted to Provide Crisis Counseling for Victims of Hurricane Bonnie

140 Council on Health Policy Information

141 Extending Executive Orders

FINAL DISPOSITION OF BILLS IN HOUSE COMMITTEES

(House Bills remained in committees by request of principal sponsor)

AGRICULTURE

H 1015 CROP ALLOTMENT TAX APPRAISAL

APPROPRIATIONS

H 706 PERSON MUSEUM OF HISTORY FUNDS

APPROPRIATIONS - GENERAL GOVERNMENT

H 106 INTERSTATE AUDITORS/REGULATORY FUND
H 345 DOMESTIC VIOLENCE FUNDS
H 920 NORTH CAROLINA POSTAL HISTORY COMMISSION
H 1517 MOREHEAD COMMISSION FUNDS
H 1521 NORTH CAROLINA HUMANITIES COUNCIL FUNDS
H 1530 FUNDS/ADMINISTRATIVE LAW JUDGES FOR OFFICE OF ADMINISTRATIVE HEARINGS
H 1727 MILITARY ARCHIVE FUNDS
S 545 SALE OF NATURAL SCIENCE MUSEUM OBJECTS

APPROPRIATIONS - HUMAN RESOURCES

H 131 EXTEND HEART DISEASE PREVENTION TASK FORCE
H 166 PHYSICAL FITNESS ACT
H 167 HEART DISEASE DATA ACT
H 490 SMART START FUND
H 557 AUTISM FOUNDATION CAPITAL FUNDS

H	561	COALITION 2001 FUNDS
H	662	ADULT DAY CARE FUNDS
H	667	ADULT DEVELOPMENTAL VOCATIONAL PROGRAM FUNDS
H	857	AT-RISK CHILDREN FUNDS
H	858	ADDICTION RESEARCH AUTHORITY
H	863	CUMBERLAND SHELTERED WORKSHOP FUNDS
H	910	TOUCHING FAMILIES' LIVES FUNDS
H	913	OSTEOPOROSIS TASK FORCE
H	941	VOCATIONAL REHABILITATION/INDEPENDENT LIVING FUNDS
H	1150	FOOD BANK OF NORTHWEST NORTH CAROLINA FUNDS
H	1159	MOSQUITO CONTROL FUNDS
H	1190	VOCATIONAL REHABILITATION FACILITIES FUNDS
H	1295	TOUCHING FAMILIES' LIVES FUNDS
H	1363	FOOD BANK OF NORTHWEST NORTH CAROLINA FUNDS
H	1458	STRIKE OUT STROKE PROJECT
H	1459	BE ACTIVE NORTH CAROLINA INITIATIVE
H	1460	CARDIOVASCULAR DISEASE DATA ACT
H	1551	BRIDGES PROJECT FUNDS
H	1592	CARE TRAK SYSTEM FUNDS
H	1623	INTENSIVE FAMILY PRESERVATION FUNDS
H	1710	ADULT CARE HOMES STAFF RATIO/FUNDS
H	1711	ADULT CARE HOMES/DISAPPROVE RULE/STAFFING
S	1015	WELFARE REFORM ACT OF 1997

APPROPRIATIONS - JUSTICE AND PUBLIC SAFETY

H	140	EXTEND CRIME CONTROL STUDY
H	169	CONTINUE SENTENCING COMMISSION
H	218	CONFORM WITNESS TRAVEL FEES
H	449	DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE FUNDS
H	560	DIVORCE EDUCATION
H	573	PROJECT CHALLENGE FUNDS
H	654	TRANSFER ROCKINGHAM CORRECTIONAL CENTER
H	665	CRIME VICTIMS' RIGHTS ACT
H	743	JUVENILE ASSESSMENT PROJECT
H	938	ACCIDENT VICTIM IDENTIFICATION/FUNDS
H	939	DRUG TAX FOR CRIMESTOPPER

H 975 NORTH CAROLINA NATIONAL GUARD LENGTHY SERVICE BONUS
H 986 RAISE REIMBURSEMENT TO COUNTIES
H 1093 HIGHWAY PATROL HELICOPTER TO ASHEVILLE
H 1148 TEEN COURT FUNDS/GUIDELINES
H 1163 WAKE'S DANGEROUS OFFENDER TASK FORCE FUNDS
H 1185 ORANGE TEEN COURT FUNDS
H 1614 MEDIATION CENTER FUNDS
H 1680 MAGISTRATES' SALARY INCREASE
H 1733 EXPEDITE DEATH PENALTY CASES

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

H 31 COMPETITIVE GOVERNMENT INITIATIVE
H 252 CORE SOUND USE MAPPING
H 254 SHELLFISH REHABILITATION FUND
H 274 LOW PRESSURE PIPE EMERGENCY FUNDS
H 334 NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS
H 359 SOIL/WATER ANALYSIS FUNDS
H 360 AGRONOMIC ADVISORY FUNDS
H 361 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FORESTRY PERSONNEL CLASSIFICATION FUNDS
H 365 ENVIRONMENTAL FARMING FUNDS
H 366 PESTICIDE PROTECTION FUNDS
H 369 NORTH CAROLINA BIOTECHNOLOGY CENTER FUNDS
H 385 SALMONELLA TESTING FUNDS
H 386 AGRICULTURE INFORMATION/TECHNICAL NEEDS FUNDS
H 540 NORTH CAROLINA BIOTECHNOLOGY CENTER FUNDS
H 575 CRANIOFACIAL ANOMALIES FUNDS
H 738 EQUINE INFECTIOUS ANEMIA TEST/FUNDS
H 775 COLUMBUS ECONOMIC DEVELOPMENT FUNDS
H 878 NORTH CAROLINA SOUTHEAST FUNDS
H 984 SOIL AND WATER SUPERVISOR HEALTH BENEFITS
H 1000 FORESTRY FIRE PROTECTION FUNDS
H 1043 FARM ENVIRONMENTAL COMPLIANCE FUND
H 1147 AREA THREE SOIL AND WATER FUNDS
H 1149 HOME OWNERSHIP FUNDS
H 1161 FISHERIES REFORM ACT APPROPRIATIONS
H 1164 OSHA ERGONOMIC STANDARDS FUNDS
H 1193 AGRICULTURAL FAIRS COMMITTEE/FUNDS

H	1339	NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS
H	1340	NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY CAPITAL FUNDS
H	1379	NEW HANOVER/BEAVER DAMAGE FUNDS
H	1381	JUNALUSKA CREEK DAMAGE FUNDS
H	1411	INCREASE ADMINISTRATION CAP FOR FISHERY GRANT PROGRAM
H	1416	SEDIMENTATION CONTROL FUNDS
H	1423	OREGON INLET RECOMMENDATIONS
H	1436	PAN-AMERICAN GAMES FUNDS
H	1444	CONSERVATION EASEMENTS PROGRAM FUNDS
H	1535	STRUCTURAL PEST CONTROL FUNDS
H	1536	PESTICIDE/FOOD LABORATORIES FUNDS
H	1542	FUNDS/CENTER FOR COMMUNITY SELF-HELP
H	1565	ENVIRONMENTAL FARMING FUNDS
H	1566	GOODNESS GROWS IN NORTH CAROLINA FUNDS
H	1631	WHITE OAKS MANSION FUNDS
H	1650	FOOD SAFETY PROGRAM FUNDS
H	1651	ANIMAL WASTE TESTING FUNDS
H	1652	MULTIFLORA ROSE FUNDS
H	1653	PSEUDORABIES ERADICATION FUNDS
H	1704	HISTORIC WATERFRONT TOWN REVITALIZATION
H	1718	BEAUFORT/BEAVER DAMAGE FUNDS

APPROPRIATIONS - TRANSPORTATION

H	250	CHANGE TAG AGENT COMPENSATION
H	973	ON-LINE VEHICLE REGISTRATION PILOT
H	1709	DEPARTMENT OF TRANSPORTATION REQUIRED TO COMPOST

COMMERCE

H	12	STUDY COMMISSION/FUTURE OF ELECTRIC SERVICE
H	41	DOWNTOWN LOAN GUARANTEE FUND
H	45	MEMBERSHIP/BUILDING CODE COUNCIL
H	48	DOWNTOWN DATABASE
H	49	BUILDING CODE OFFICIALS/TRAINING
H	282	EXEMPT CONTRACTORS' INVENTORY
H	424	OCCUPATIONAL SAFETY AND HEALTH ACT WITNESS STATEMENTS
H	447	WORKERS' COMPENSATION TECHNICAL ASSISTANCE-FUNDS
H	450	UNEMPLOYMENT INSURANCE TAX CHANGE
H	453	REDEFINE UNEMPLOYMENT BASE PERIOD

H	461	INTERSTATE TRUST COMPANY ACT
H	471	FOOD ESTABLISHMENTS - CLARIFY DEFINITION
H	487	PHYSICIANS SERVICES FEE
H	719	WASHINGTON/BELHAVEN ELECTRIC RATES
H	903	NO LOW-LEVEL FACILITY IN FLOODPLAIN
H	1005	WORKERS' COMPENSATION/ PHYSICIAN SELECTION
H	1068	MERCHANTS' SALES TAX DISCOUNT
H	1080	NORTH CAROLINA'S WITHDRAWAL FROM SOUTHEAST COMPACT
H	1088	NO ADS TO CELLULAR PHONES
H	1109	WORTHLESS CHECKS/COMMERCIAL DEBTS
H	1129	REIMBURSEMENT FOR LOW-LEVEL FACILITY
H	1131	COLLECTION AGENCY DEFINITION
H	1141	AMEND BUILDING/HOUSING CODES
H	1170	EXEMPT SEVERANCE PAY
H	1189	FOOD TAX DOWN/ALCOHOL TAX INCREASE
H	1258	TELEPHONE LINE ACCESS
H	1343	WIRELESS TELEPHONE SERVICE ACT
H	1409	KEG REGISTRATION/19-20 LOOPHOLE CLOSED
H	1564	VEHICLE RENTAL SECURITY DEPOSIT
H	1642	INTERSTATE ECONOMIC DEVELOPMENT ZONES
H	1712	WORKER TRAINING CHANGES
S	96	PAWNSHOP RECORDS ACCESS
S	339	CREDIT FOR TIER ONE COUNTIES
S	418	SMALL BUSINESS PROCUREMENT ACT
S	791	OSHA WITNESS STATEMENTS
S	819	DOWNTOWN DATABASE
S	821	HOUSING TRUST FUND/DOWNTOWNS
S	824	MEMBERSHIP/BUILDING CODE COUNCIL
S	959	MODULAR HOME CERTIFYING AGENT
S	987	INTERSTATE ECONOMIC DEVELOPMENT PERMITS
S	1054	ALLOW BURMA DIVESTITURE

COMMERCE - BUSINESS AND LABOR

H	46	HOUSING TRUST FUND/DOWNTOWNS
H	1173	CONSTRUCTION WORKER TRAINING CREDIT

COMMERCE - PUBLIC UTILITIES

H	547	RENEWABLE RESOURCE ENERGY

CONGRESSIONAL REDISTRICTING

H	52	INDEPENDENT REDISTRICTING COMMISSION
H	585	CONGRESSIONAL REDISTRICTING

EDUCATION

H	64	SCHOOL BOARD LEASES OF SCHOOL BUILDINGS
H	90	OBSOLETE SCHOOL LAWS
H	942	DEDUCT ELEMENTARY/SECONDARY TUITION
H	952	DEDUCT POSTSECONDARY TUITION
H	969	SCHOOL INTER-UNIT ENROLLMENT
H	978	EMPLOYEE PAY/EXCUSED SNOW DAYS
H	1001	PAYROLL DUES CHECK-OFF LIMIT
H	1025	UNIVERSITY OF NORTH CAROLINA MILITARY TUITION
H	1358	TESTING IN GRADES K-2
H	1359	REVISE TEACHER COMPETENCY TESTING
H	1360	ABC'S PLAN/CONSEQUENCES FOR PRINCIPALS
S	72	STATE BOARD OF EDUCATION/SUBPOENA POWER
S	319	NEW COMMUNITY COLLEGE AUTHORIZED
S	587	SCHOOL PERSONNEL/CLASSROOM EXPERIENCE
S	616	LIMIT APPEALS TO SCHOOL BOARDS

EDUCATION - COMMUNITY COLLEGES

H	1345	COMMUNITY COLLEGE TRUSTEE ELIGIBILITY

EDUCATION - PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION

H	1225	SCHOOL TRANSPORTATION
H	1426	MISCELLANEOUS CORRECTIONS/G.S. 115C-325

ELECTION LAW AND CAMPAIGN REFORM

H	3	FULL DISCLOSURE ACT
H	6	TERM LIMITS FOR LEGISLATURE
H	7	TERM LIMITS/LEGISLATURE/CONFORM
H	10	NO REVOLVING DOOR
H	23	CAMPAIGN STANDARDS
H	24	CLOSE RUNOFF LOOPHOLE
H	79	BALLOT ACCESS CHANGES
H	525	PARTY ALIGNMENT ROTATED
H	578	SINGLE-MEMBER DISTRICTS
H	709	ELECTION LAW AMENDMENTS
H	736	VOTER IDENTIFICATION
H	745	ELECTION NOTICES/ONE-STOP
H	1145	JUDICIAL RETENTION
S	573	ELECTION LAW REFORM
S	663	ABSENTEE VOTING CHANGES
S	825	CANDIDATE ACCOUNTABILITY
S	904	SESSION LIMITS IMPLEMENTING

ENVIRONMENT

H	133	TRANSFER MARINE FISHERIES
H	214	INCREASE ENVIRONMENTAL REVIEW COMMISSION MEMBERSHIP
H	215	BACKUP POWER FOR WASTEWATER SYSTEMS
H	216	CLEAN WATER TRUST FUND/LOANS OKAY
H	226	SOLID WASTE MANAGEMENT PERMIT REQUIREMENTS
H	228	INACTIVE HAZARDOUS SITES INFORMATION
H	229	INACTIVE HAZARDOUS SITES/REPORTS AND NOTICE
H	247	ENVIRONMENTAL AUDITS
H	262	NITROGEN LIMIT FOR CERTAIN WATERS
H	338	PESTICIDE APPLICATOR LICENSING
H	375	FISHERIES REFORM ACT
H	475	WASTEWATER IMPROVEMENT PERMITS
H	701	IRRIGATION SYSTEM DESIGN NOT ENGINEERING
H	787	CORE SOUND SHELLFISH LEASES
H	1090	BEACH RENOURISH/RESERVE FUNDS
H	1203	STATE-LOCAL WATER QUALITY PLANS
H	1329	WELL SETBACK DISTANCES
H	1473	INTERBASIN TRANSFER AMENDMENTS
H	1485	WATER QUALITY FEES/END CDE LEAKING UNDERGROUND STORAGE TANK CLEANUPS
H	1552	UPPER NEUSE RIVER BASIN FUNDS
S	379	SOLID WASTE OPERATOR COURSE EXEMPT
S	1276	EXTEND CORE SOUND MORATORIUM
S	1303	CERTAIN SEPTIC TANK DEVICES REQUIRED

FINANCE

H	2	LOWER FOOD TAX TWO CENTS MORE
H	119	REMOVE SUNSET/PORTS TAX CREDIT
H	123	ELIMINATE FOOD TAX
H	170	NO SALES TAX ON FUNERALS
H	242	SCRAP TIRE DISPOSAL TAX AMENDMENT
H	357	GENERAL ANIMAL WASTE PERMITS
H	368	AMEND BILL LEE ACT
H	370	SAFETY EQUIPMENT SALES TAX REFUND
H	401	RAISE HOUSING FINANCE AGENCY BOND LIMIT
H	451	EMPLOYMENT SECURITY COMMISSION BENEFITS CHANGES
H	483	SCHOOL BOARD "QUICK TAKE"
H	486	CASTLE HAYNE INCORPORATION
H	500	SUMMERVILLE INCORPORATED
H	514	PROPERTY TAX CLERICAL ERROR

H	574	EARMARK SALES TAX GROWTH FOR ONSLOW
H	580	NONRESIDENT HANDGUN PERMIT
H	591	REFUND $145 MILLION OF FOOD TAX
H	758	ORANGE ADMISSIONS TAX
H	762	CHAPEL HILL LARGE EVENT TICKET TAX
H	865	SNEADS FERRY INCORPORATED
H	928	TAXPAYER PROTECTION AMENDMENT
H	980	CROP ALLOTMENT TAX APPRAISAL
H	1067	TAXPAYER PROTECTION ACT
H	1077	MASSAGE AND BODYWORK THERAPIES
H	1084	SELF-SERVE STORAGE LATE FEES
H	1092	REDUCE FARM/INDUSTRY FUEL TAX
H	1100	REGISTER OF DEEDS' MATTERS
H	1113	EXEMPT FIRE AND RESCUE VEHICLES
H	1128	CERTIFIED PUBLIC ACCOUNTANT EDUCATION REQUIREMENTS
H	1138	PROPERTY TAX INTEREST STUDY
H	1194	RENTAL CAR USER SURCHARGE
H	1229	VISIBLE LIGHT - WINDOW DARKENING
H	1233	OPTIONAL SIMPLE INCOME TAX
H	1348	DEDUCTION FOR NET CAPITAL GAINS
H	1353	BLADEN SALES TAX FOR SCHOOLS
H	1370	AMEND LOCAL SALES TAX
H	1383	MECK NECK
H	1403	ROWAN SALES TAX FOR SCHOOLS
H	1404	EXPAND QUALIFIED BUSINESS CREDIT
H	1412	ROLLOVER OF GAIN/SMALL BUSINESS SALE
H	1443	AMEND WHITE GOODS TAX
H	1449	EXEMPT DISABLED VETERAN VEHICLES
H	1461	FRANCHISE TAX CREDIT FOR CONSTRUCTION IN PROGRESS
H	1492	RURAL INFRASTRUCTURE BONDS
H	1503	CLEAN BURNING FUEL RATE
H	1512	HAYWOOOD SALES TAX FOR COURT FACILITIES
H	1513	PRIVATE RETIREES TAX BREAK
H	1626	HALIFAX LOCAL SALES TAX
H	1643	TAX-FREE BACK TO SCHOOL
H	1648	JOINT AGENCY SALES TAX REFUND
H	1688	ECONOMIC OPPORTUNITY ACT OF 1998
S	317	LOCAL GOVERNMENT DEBT CHANGES
S	360	BOAT NUMBER FEES
S	453	AIRPORT ECONOMIC DEVELOPMENT ZONE ACT
S	570	CLEAN WATER LICENSE PLATE
S	682	DURHAM/SWEPSONVILE CHARTER
S	915	INTANGIBLES TAX REMEDY
S	942	BARBERS

FINANCE - LOCAL, REGIONAL & STATE REVENUES

H	319	HIGHLANDS OCCUPANCY TAX
H	542	HARNETT COMMUNITY COLLEGE ACQUISITION
H	570	MECKLENBURG SPHERES OF INFLUENCE
H	811	GOLD ROCK/ROCKY MOUNT ANNEXATION
H	816	HOPE MILLS ANNEXATIONS
H	1264	CERTAIN COUNTIES SCHOOL ACQUISITION
H	1330	FARMVILLE ANNEXATION

HUMAN RESOURCES

H	235	BIRTH/DEATH CERTIFICATE FEE INCREASED
H	464	ENHANCE CHILD CARE
H	478	HEALTH TO DEPARTMENT OF HUMAN RESOURCES/DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES NAME CHANGE
H	1007	CHILDHOOD LEAD EXPOSURE CONTROL
H	1112	SURROGATE CONSENT/HEALTH CARE
H	1206	ADOPTION REGISTRY
H	1392	CHILD CARE CHANGES
S	332	FOSTER CARE TRAINING
S	346	JUVENILE GUARDIANS
S	383	HEALTH TO DEPARTMENT OF HUMAN RESOURCES/DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES NAME CHANGE
S	476	OSTEOPOROSIS TASK FORCE
S	479	REGISTER DEEDS - NO ABUSE INFO
S	786	VOCATIONAL REHABILITATION SUBROGATION CHANGE
S	806	CHILDHOOD LEAD EXPOSURE CONTROL

HUMAN RESOURCES - FAMILIES

H	185	AMEND FAMILY CARE HOME REPORTING
H	682	HOME CARE/PHARMACY SERVICES
H	1065	PARENTAL RIGHTS AND CHILD PROTECTION ACT
H	1102	NEIGHBOR CHILD CARE LAW

INSURANCE

S	515	PRELITIGATION INSURANCE INFO/MEDIATION
S	577	INSURANCE PREMIUM FINANCING
S	1114	JOINT UNDERWRITING ASSOCIATION REAUTHORIZATION
S	1200	PHARMACY PERSONNEL
S	1300	INSURANCE REGULATIONS CHARGE/

		COMPANY EXAMS
S	1557	DENTAL, VISION, HEARING BENEFITS

INSURANCE - HEALTH

H	1223	FAMILY HEALTH CARE PROGRAM
S	400	MENTAL HEALTH PARITY
S	866	PRESCRIPTION DRUGS/COMPETITION
S	1016	DIRECTOR PAY/SUBSTANCE ABUSE PROFESSOR

JUDICIARY I

H	138	DEPARTMENT OF MOTOR VEHICLES ENFORCEMENT AUTHORITY
H	261	ADMINISTRATIVE PROCEDURE ACT TECHNICAL CHANGES
H	268	DIVIDE DISTRICT 22
H	394	DOGFIGHTS/GAMBLING/FELONY
H	501	CARTWAYS
H	539	COLLATERAL SOURCE EVIDENCE
H	616	STANDARDIZE LAW ENFORCEMENT DISCIPLINE
H	674	PERMANENT CURATIVE STATUTE--SEALS
H	741	COURT IMPROVEMENT ACT/CONSTITUTION
H	742	COURT IMPROVEMENT ACT
H	795	ROLLER SKATING RINK LIABILITY
H	856	TYRRELL CUMULATIVE VOTING
H	927	RABIES VACCINE/DOG OWNER ADMINISTRATION
H	964	CODE OF LEGISLATIVE ETHICS REVISION
H	981	CIVIL RIGHTS RESTORATION ACT
H	1010	GOVERNMENT USE/SEIZED GUN PARTS
H	1076	INFRACTIONS TO MAGISTRATES
H	1079	DRUG LAW AMENDMENTS
H	1085	AMEND ETHNIC INTIMIDATION LAW
H	1123	STATE PERSONNEL GRIEVANCE PROCEDURE
H	1393	CLARIFY INTERMEDIATE PUNISHMENTS
H	1441	RESTITUTION/CIVIL JUDGMENT
H	1442	TRANSPORTATION AGRICULTURAL PRODUCTS EXEMPT
H	1493	TRANSIT AUTHORITY PURCHASING OPTION
H	1523	NO STATE FUNDS FOR JURY CONSULTANTS
H	1717	MEDICAL SAVINGS ACCOUNT
S	152	ADMINISTRATIVE SEARCH WARRANTS/ WHEN SERVED
S	246	GOVERNMENT USE/SEIZED GUN PARTS
S	402	DEBTOR PROTECTION/SIMPLE IRAS

JUDICIARY II

H	151	CHILD FATALITY TASK FORCE CONFIDENTIAL RECORDS
H	152	CHILD ABUSE/NO REPORT MISDEMEANOR
H	173	RELABEL MISDEMEANOR PRIOR RECORD CONVICTIONS
H	187	AMEND PRIOR RECORD LEVEL CALCULATIONS
H	196	POST-RELEASE SUPERVISION/F AND G FELONS
H	205	MODIFY TWO DEPARTMENT OF MOTOR VEHICLES DEFINITIONS
H	217	RESTITUTION/CIVIL JUDGEMENT
H	234	SMOKE DETECTOR PENALTIES
H	353	DOMESTIC VIOLENCE/PRETRIAL RELEASE
H	395	LEFT TURN ON RED
H	425	ASSAULT WITH BODILY FLUIDS
H	426	LAW ENFORCEMENT PROPERTY
H	466	SECURITIES INVESTMENT ADVISERS
H	613	COMPENSATE ERRONEOUSLY CONVICTED
H	666	PUBLIC DEFENDERS/APPELLATE DEFENDER RETIREMENT
H	930	SEX OFFENDER LAWS/FEDERAL COMPLIANCE
H	951	CHARITABLE BINGO REGULATIONS
H	959	RECEPTACLES USED TO SOLICIT
H	968	INDUSTRIAL HYGIENISTS
H	1028	TOWING PROCEDURES
H	1045	RED LIGHT PHOTO CITATIONS
H	1066	AMEND DIVORCE LAW
H	1078	SHERIFFS' COMMISSION AMENDMENTS
H	1373	JUVENILE JUSTICE REFORM ACT
H	1432	SPORTING EVENT RAFFLES
H	1561	JUVENILE LAW REVISION
S	228	CHILD ABUSE/NO REPORT MISDEMEANOR
S	998	FRAUD/"PRETEND" CRIME VICTIM
S	1277	CIVIL PROCEDURE RULES CHANGES

LOCAL & REGIONAL GOVERNMENT I

H	68	LAKE WACCAMAW ANNEXATION
H	118	ATLANTIC BEACH NO-WAKE ZONE
H	120	CAROLINA TRACE INCORPORATED
H	346	ROANOKE RAPIDS OCCUPANCY TAX
H	765	GOLDSORO ROOM TAX USE
H	841	ESTABLISH SWIFT CREEK JOINT ZONING
H	1259	CARTERET ABC PROCEEDS
H	1366	TYRRELL LAND TRANSFER TAX
H	1397	TRIBAL BUILDING INSPECTIONS

H	1616	DURHAM COUNTY/STORMWATER FEES
H	1645	BRUNSWICK FIRE FEES
S	1104	LUMBERTON ECONOMIC/TOURIST DISTRICT
S	1248	CARTHAGE CHARTER CONSOLIDATION
S	1417	WALLACE PRIVATE SALE

LOCAL & REGIONAL GOVERNMENT II

H	177	PINEVILLE TELEPHONE SYSTEM
H	412	HUNTERSVILLE ANNEXATION AGREEMENT
H	627	BERTIE SCHOOL ELECTIONS
H	684	SPECIAL ALCOHOLIC BEVERAGE CONTROL AREA PROCEDURES
H	708	LOCAL SPRINKLER SYSTEMS
H	890	WAKE TREE ORDINANCES
H	1341	CHARLOTTE STORMWATER FEES
H	1439	MODIFY MECKLENBURG TAX PENALTY
H	1555	MODIFY STATESVILLE OCCUPANCY TAX

PENSIONS AND RETIREMENT

H	347	INCREASE FIRE/RESCUE BENEFITS
H	544	LOCAL RETIRE/EMPLOYER PAYMENT
H	766	MECKLENBURG/AMEND LAW ENFORCEMENT OFFICER DEFINITION

PUBLIC EMPLOYEES

S	799	DISCIPLINE DISCLOSURE ACT

RULES, CALENDAR & OPERATIONS OF THE HOUSE

S	3	LOBBYIST WAITING PERIOD
S	19	NO SOCIAL PROMOTIONS PERMITTED
S	110	ESTABLISH ENVIRONMENTAL CABINET
S	205	REPEAL RETIREMENT RESTRICTION
S	210	INMATES PAY FOR MISCONDUCT
S	307	TEMPORARY ASSISTANCE FOR NEEDY FAMILIES/FIRST STOP EMPLOYMENT ASSISTANCE
S	325	CONCEALED HANDGUN EXEMPTION
S	396	DOWNTOWN DEVELOPMENT ZONE IMPROVEMENT
S	425	REFRIGERATION CONTRACTORS/CPA EXAMINERS
S	486	FOOD ESTABLISHMENT - CLARIFY DEFINITION
S	546	REAL PROPERTY DISCLOSURE LAWS
S	564	AMEND FINANCIAL PRIVACY ACT
S	578	MOUNT AIRY/AVERY OCCUPANCY TAX
S	594	LOCAL SALES TAX FOR SCHOOLS
S	611	INSURANCE FRONTING
S	612	INSURER FINANCIAL OPERATIONS

S	613	INSURANCE COMPANY AUDITS AND EXAMS
S	614	INSURANCE LICENSING AMENDMENTS
S	723	STONEVILLE FOUR-YEAR TERMS
S	744	GRANDPARENTS' CHILD SUPPORT CLARIFICATION
S	797	HEALTH AND LIFE INSURANCE AMENDMENTS
S	837	SPORTS CLUB ABC PERMITS
S	838	TOURISM RESORT ABC PERMITS
S	859	PRESCRIBED BURNING IN FORESTS
S	933	HEALTH INSURANCE/COVERAGE AND NETWORKS
S	934	PREFERRED PROVIDER AMENDMENTS
S	935	MANAGED CARE/UTILIZATION & GRIEVANCE
S	966	NO DAMAGE FOR DELAY UNENFORCEABLE
S	1027	AMEND VOLTAGE SAFETY ACT
S	1028	SUBCONTRACTOR CLAIMS AGAINST OWNERS
S	1030	PUBLIC CONTRACT DISPUTES
S	1049	CAMPUS SATELLITE POLLING PLACES
S	1073	AUCTIONEER AMENDMENTS
S	1084	HONOR J. MELVILLE BROUGHTON
S	1089	ADJOURNMENT RESOLUTION
S	1123	ABOLISH GASTON COUNTY CORONER
S	1128	TESTING IN GRADES K-2
S	1143	ALLOW BIOMETRICS BILL
S	1155	ALLOW SPECIAL OLYMPICS
S	1189	A JOINT RESOLUTION RECOGNIZING THE HISTORIC ACCOMPLISHMENTS OF THE SIR WALTER CABINET AND CONGRATULATING THE ORGANIZATION ON TS SEVENTY-FIFTH ANNIVERSARY
S	1313	IMPROVE SEDIMENTATION CONTROL
S	1494	LEE COUNTY HUNTING
S	1601	ENABLING/TRIBUTE TO DOC WATSON/ MEMORY OF MERLE WATSON

STATE GOVERNMENT

H	128	STATE CAPITOL POLICE TO CRIME CONTROL AND PUBLIC SAFETY
H	164	EXEMPT STATE PORTS PURCHASE AND CONTRACT
H	428	NORTH CAROLINA MUSEUM OF HISTORY TECHNICAL CHANGES
H	473	SALE OF NATURAL SCIENCE MUSEUM OBJECTS
H	1146	AGENCY INSPECTORS GENERAL
H	1253	DEPARTMENT OF ADMINISTRATION CERTIFICATION
H	1355	REFORM OF STATE PROCUREMENT PROCESS
H	1384	PHARMACY BOARD/REFUND FEES

H	1431	EXTEND DATE FOR WELL CONTRACTOR CERTIFICATION
S	900	STATE BUILDING COMMISSION PROJECTS

TECHNOLOGY

S	361	EXPAND INFORMATION HIGHWAY USES

TRANSPORTATION

H	237	MODIFY EMISSIONS INSPECTIONS LAW
H	678	DRIVING WHILE IMPAIRED BUMPER STICKERS
H	982	TAX VEHICLE ONLY UPON SALE
H	1041	CONSUMER PROTECTION/DAMAGE DISCLOSURE
H	1106	FOREST PRODUCT TRUCK WEIGHT EXEMPTION
H	1224	TRUCK SAFETY ACT
H	1226	MOTOR CARRIER DIESEL TAX PAYMENT
H	1463	TRANSIT RIGHT OF WAY PROTECTION
H	1464	TRANSPORTATION CORRIDORS
H	1481	COPS FOR TRANSIT AUTHORITIES
S	931	OPTIONAL FLAG AND LIGHT COLORS FOR TRUCKS
S	1453	WIDEN INTERSTATES

WAYS AND MEANS

H	130	LEGISLATORS/STATE JOBS
H	219	ADMINISTRATIVE DISSOLUTION/ANNUAL REPORT
H	696	GOLD ROCK/ROCKY MOUNT ANNEXATION
H	797	WALLACE CHARTER
H	809	EDGECOMBE SCHOOL SUPPLEMENTAL TAX
H	817	HENDERSON CHARTER UPDATE
H	825	LELAND/BELVILLE ANNEXATION RESTRICTIONS
H	826	LELAND ANNEXATION
H	854	GARNER FACILITY FEE CHANGE
H	874	DURHAM COUNTY FAIR HOUSING
H	886	GARNER TRANSPORTATION IMPACT FEES
H	887	MUNICIPAL EXTRATERRITORIAL JURISDICTION/ROAD SIGNS
H	888	FUQUAY-VARINA FACILITY FEE
H	895	WAKE TOWNS IMPACT FEES
H	1424	CONVEYANCE SURPLUS AUTOMOBILES
H	1537	PERSON ROAD HUNTING
H	1654	CHAPEL HILL DEVELOPMENT AGREEMENTS
S	474	MUNICIPALITIES' TREE ORDINANCE

WELFARE REFORM

H	168	CHANGE WELFARE TO CHARITY
H	976	CATAWBA WELFARE REFORM PILOT

H	1446	BIOMETRICS TECHNICAL CORRECTIONS
H	1471	WELFARE LAW CORRECTIONS
S	938	CONSTRUCTION WORKER TRAINING CREDIT

BILLS CALENDARED PURSUANT TO RULE 36(a)

Pursuant to Rule 36(a), the following bills were reported from committee, but were not calendared for consideration by the House of Representatives:

H	92	ANNEXATION/MUNICIPAL SERVICES
H	93	EXTRATERRITORIAL CHANGES
H	110	PENALTIES FOR ADULT CARE/NURSING HOMES
H	145	DAY CARE/PLAYGROUND EQUIPMENT
H	193	NO INSURANCE POINTS/15 MPH OVER LIMIT
H	307	ENVIRONMENTALLY SOUND POLICY ACT
H	335	GRANTSBORO INCORPORATED
H	351	EXCELLENT SCHOOLS ACT
H	388	AMEND TRESPASS OFFENSES
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(Date Enrolling Clerk Delivered Bills to the Office of the Governor)

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SB 1126	June 9, 1998

SB 1193	June 16, 1998
HB 989	June 17, 1998
SB 1182	June 25, 1998
SB 620	June 30, 1998
SB 1327	June 30, 1998
HB 1505	June 30, 1998
SB 124	July 1, 1998
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SB 452	July 9, 1998
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H 1701 ALAMANCE COUNTY WORK RELEASE PILOT
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H 1667 ALAMANCE-BURLINGTON SCHOOL ELECTIONS
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H 269 BURLINGTON, WAYNE, PITT LOCAL
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S 1252 SIMPLIFY PRIVILEGE LICENSE TAX (Ch. SL 98-0095).....293, 315, 364, 370, 383, 410, 422, 470, 472, 482, 486, 491, 545.

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H 441 ALLEGHANY COUNTY LOCAL ACT
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H 1593 ALLEGHANY/SPARTA BILL EXEMPTION
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H 1509 96TH HOUSE DISTRICT FUNDS
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H 1510 96TH HOUSE DISTRICT FUNDS
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H 1511 96TH HOUSE DISTRICT FUNDS
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H 1378 AGRICULTURE ARENA RENOVATION FUNDS
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H 1701 ALAMANCE COUNTY WORK RELEASE PILOT
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H 1216 ANSON COUNTY CHILD SUPPORT OFFICE FUNDS
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H 287 AUTO RACING HALL OF FAME FUNDS
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H 300 BEAUFORT COUNTY HISTORICAL FUNDS
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H 304 BERTIE COUNTY BEAVER FUNDS
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H 1592 CARE TRAK SYSTEM FUNDS
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H 922 CARRBORO MUSIC FESTIVAL FUNDS
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H 384 CARY MUSEUM FUNDS
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H 917 CHATHAM COUNTY FUNDS FOR SITING COSTS
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H 1644 CHATHAM COUNTY LOW-LEVEL RADIOACTIVE WASTE SITING FUNDS
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H 775 COLUMBUS COUNTY ECONOMIC DEVELOPMENT FUNDS (Approp - Natural and Economic Resources)....226.

H 1735 COLUMBUS COUNTY ECONOMIC DEVELOPMENT FUNDS (Postponed Indefinitely)....137, 802.

H 1263 COOLEEMEE HISTORIC SITE FUNDS
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H 1346 CRAVEN COUNTY FUNDS
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H 863 CUMBERLAND COUNTY SHELTERED WORKSHOP FUNDS (Approp - Human Resources) ....243.
H 1589 DAVIDSON COUNTY ROAD SQUAD UNIFORMS
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H 558 DREXEL FAIR FACILITIES/FUNDS
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H 764 DUPLIN COUNTY AGRI-COMMUNITY CENTER FUNDS (Postponed Indefinitely) (H 802) ....232, 935.
H 802 DUPLIN COUNTY AGRI-COMMUNITY CENTER FUNDS (Postponed Indefinitely) (H 764) ....885.
H 1628 DUPLIN COUNTY MULTIPURPOSE CENTER FUNDS
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H 582 EASTERN NORTH CAROLINA LIVESTOCK ARENA FUNDS (Postponed Indefinitely) ....934.
H 1151 EASTERN NORTH CAROLINA LIVESTOCK ARENA FUNDS (Postponed Indefinitely) ....937.
H 121 ERWIN TEXTILE MUSEUM FUNDS
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H 1627 ERWIN TEXTILE MUSEUM FUNDS
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H 1699 FAIR BLUFF WATER/SEWER FUNDS
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H 1266 FAIRMONT RECREATION PARK FUNDS
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H 937 FOUNTAIN LIBRARY FUNDS
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H 1176 GRANVILLE COUNTY CEMETERY FUNDS
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H 1482 GUILFORD COUNTY DETENTION CENTER FUNDS
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H 1694 HAMLET OPERA HOUSE RESTORATION FUNDS
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H 774 HAYWOOD COUNTY AGRICULTURE CENTER FUNDS (Postponed Indefinitely) ....232, 935.
H 912 HICKORY LIBRARY FUNDS
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H 1181 HIDDENITE CENTER FUNDS
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H 1172 HINES HALL CAPITAL FUNDS
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H 1214 HOUSE DISTRICT 49 FUNDS
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H 1437 IREDELL/CATAWBA LOCAL PROJECTS FUNDS
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H 645 JACKSON COUNTY COURTHOUSE FUNDS
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H 924 JONES COUNTY CIVIC CENTER FUNDS
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H 1697 JONES COUNTY ECONOMIC DEVELOPMENT FUNDS
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H 971 JONES COUNTY FORESTRY BUILDING FUNDS
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H 953 JONES COUNTY HURRICANE DEBRIS REMOVAL FUNDS (Postponed Indefinitely)....233, 936.

H 1381 JUNALUSKA CREEK DAMAGE FUNDS
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H 1331 KEYS REHABILITATION CAPITAL FUNDS
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H 1382 MACON COUNTY FAIR CAPITAL FUNDS
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H 190 MADISON FORESTRY FUNDS
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H 1267 MAXTON RECREATION CENTER FUNDS
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H 383 MORRISVILLE LIBRARY FUNDS
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H 1599 NEW HANOVER COUNTY FUNDS
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H 1379 NEW HANOVER/BEAVER DAMAGE FUNDS
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H 878 NORTH CAROLINA'S SOUTHEAST FUNDS
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H 278 OLD GATES COUNTY COURTHOUSE FUNDS
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H 1679 OLD SALEM FUNDS
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H 842 PEMBROKE FIRE TRUCK FUNDS
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H 1670 PENLAND SCHOOL OF CRAFTS CAPITAL FUNDS
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H 705 PERSON COUNTY COUNSELING CENTER FUNDS
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H 680 PERSON COUNTY MUSEUM OF HISTORY FUNDS
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H 849 PIEDMONT-TRIAD CENTER FOR ADVANCED MANUFACTURING FUNDS
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H 883 PIEDMONT-TRIAD CENTER FOR ADVANCED MANUFACTURING FUNDS
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H 553 PINE FOREST CEMETERY FUNDS
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H 1729 ROSEBORO RESTORATION FUNDS
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H 1265 ROWLAND RECREATION PARK FUNDS
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H 1731 SALEMBURG RESTORATION FUNDS
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H 1750 SOUTHEASTERN CONVENTION CENTER FUNDS
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H 962 SWAIN COUNTY JAIL FUNDS
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H 397 1997 CAPITAL EXPENDITURES
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H 403 1997 CAPITAL EXPENDITURES
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H 423 1997 CAPITAL EXPENDITURES
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H 858 ADDICTION RESEARCH AUTHORITY
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H 1710 ADULT CARE HOME STAFF RATIO/FUNDS
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H 639 AGRICULTURAL LOAN FUNDS (Postponed Indefinitely) ....225, 823, 884.
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H 521 AMERICAN LEGION BUILDING FUNDS (Postponed Indefinitely) ....231, 933.
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H 1683 APPROPRIATIONS BILL
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H 1741 ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE CAPITAL FUNDS
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H 1488 ASSISTANCE TEAMS ADDITIONAL FUNDS
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H 1219 ASSISTED LIVING ADMINISTRATORS
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H 857 AT-RISK CHILDRENS FUNDS
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H 1222 AT-RISK YOUTH STUDY
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S 1262 ATTORNEYS FEES/SETTLEMENT FUNDS
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H 287 AUTO RACING HALL OF FAME FUNDS
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H 1675 AVERAGE DAILY MEMBERSHIP CHANGES AND SPECIAL EDUCATION/FUNDS
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H 805 BATTERERS' PROGRAM FUNDS
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H 1459 "BE ACTIVE NORTH CAROLINA" INITIATIVE
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H 1408 BEACH EROSION CONTROL FUNDS
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H 1208 BLACKBEARD'S FLAGSHIP FUNDS
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H 1551 BRIDGES PROJECT FUNDS
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H 1700 CAMPAIGN FINANCE CHANGES/FUNDS
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H 1600 CAPE FEAR COMMUNITY COLLEGE PUBLIC SAFETY CENTER FUNDS
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H 259 CAPE FEAR RIVER FUNDS
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H 1298 CAPITAL FUNDS/SENIOR CENTERS
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H 1460 CARDIOVASCULAR DISEASE DATA ACT
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H 98 CEMETERY COMMISSION FUNDS/LRC STUDY
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H 1314 CEMETERY CONSUMER PROTECTION
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H 1270 CENTER FOR APPLIED TEXTILE TECHNOLOGY FUNDS (Postponed Indefinitely)....22, 887.

H 1542 CENTER FOR COMMUNITY SELF-HELP FUNDS
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H 1200 CENTER FOR MARINE SCIENCE AND TECHNOLOGY CAPITAL FUNDS
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H 1060 CENTRAL CHILDREN'S HOME FUNDS
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H 1562 CENTRAL SCHOOL FOR DEAF FUNDS
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H 381 CHARTER SCHOOL START-UP FUNDS
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H 931 CHILD CARING INSTITUTE FUNDS
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H 1604 CHILD CARING INSTITUTION/FUNDS
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H 1183 CIVIC EDUCATION PROGRAM FUNDS
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H 864 CLASS-SIZE REDUCTION IN GRADE 3
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H 519 CLEAN WATER BONDS/NATURAL GAS
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H 561 COALITION 2001 FUNDS
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H 807 COASTAL CAROLINA COMMUNITY COLLEGE
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H 543 COCHLEAR IMPLANT FUNDS
(Postponed Indefinitely) ....884.

H 1724 COMMISSION ON NORTH CAROLINA BLACK
TROOPS/FUNDS (Postponed Indefinitely) ....135, 802.

H 1634 COMMUNITY COLLEGE EXPANSION FUNDS
(Postponed Indefinitely) (Included Ch. SL 98-0212)....113, 240, 926.

H 1740 COMMUNITY COLLEGE REPAIRS RENOVATIONS
(Postponed Indefinitely) ....138, 238, 943.

H 157 COMMUNITY COLLEGE SCHOLARSHIP PROGRAM
(Postponed Indefinitely) ....921.

H 1269 COMPETITIVE GOVERNMENT INITIATIVE
(Postponed Indefinitely) ....22, 190, 887.

H 241 CONSERVATION EASEMENTS FUND
(Postponed Indefinitely) ....930.

H 1444 CONSERVATION EASEMENTS PROGRAM FUNDS
(Approp - Natural and Economic Resources) ....69, 228.

H 1605 CONTINUE PSYCHIATRIC HOSPITAL STUDY
(Postponed Indefinitely) ....108, 236, 941.

S 620 CONTINUING BUDGET AUTHORITY
(Ch. SL 98-0023) ....298, 310, 313, 317, 336.

APPROPRIATIONS, PUBLIC-Contd.

H 1598 CUED SPEECH CENTER FUNDS
(Postponed Indefinitely) ....107, 240, 926.

H 493 CURRENT OPERATIONS APPROPRIATIONS ACT
(Postponed Indefinitely) ....884.

H 243 DAM SAFETY FUNDS
(Postponed Indefinitely) ....930.

H 1029 DENTAL EXAMINATION PILOT PROGRAM
(Postponed Indefinitely) ....789.

H 361 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FORESTRY PERSONNEL CLASSIFICATION FUNDS
(Approp - Natural and Economic Resources) ....224.

H 1709 DEPARTMENT OF TRANSPORTATION REQUIRED TO COMPOST
(Approp - Transportation)....132, 230.

H 1687 DISASTER RELIEF TRUST FUND
(Postponed Indefinitely) ....127, 892.

H 1470 DISTRICT COURT SETTLEMENT PROCEDURES
(Postponed Indefinitely)
(Included Ch. SL 98-0212) ....74, 392, 890.

H 528 DIVIDE DISTRICT COURT/ PROSECUTORIAL DISTRICT 30
(Postponed Indefinitely) ....866.

H 179 DIVISION OF ADULT PROBATION AND PAROLE PERFORMANCE AUDIT
(Postponed Indefinitely) ....930.

H 1294 DIVISION OF AGING FUNDS
(Postponed Indefinitely) ....29, 244, 871, 905.

H 1547 DIVORCE EDUCATION FUNDS
(Postponed Indefinitely) ....97, 798.

H 345 DOMESTIC VIOLENCE FUNDS
(Approp - General Government)....251.

H 909 DOMESTIC VIOLENCE STUDY
(Postponed Indefinitely) ....787.

H 472 DORTON ARENA FUNDS
(Postponed Indefinitely) ....933.

H 449 DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE FUNDS
(Approp - Justice and Public Safety) ....249.

H 180 DRY HYDRANT FUNDS
(Postponed Indefinitely) ....930.

H 688 DRY HYDRANT PILOT PROGRAM FUNDS
(Postponed Indefinitely) ....232, 935.

APPROPRIATIONS, PUBLIC-Contd.

H 1553 EASTERN AGRICULTURE CENTER FUNDS
(Postponed Indefinitely) ....99, 203, 891.
H 1179 ECONOMIC DEVELOPMENT FUNDS
(Postponed Indefinitely) ....227, 823, 886.
H 405 ELIMINATE MEDICAID PRESCRIPTION LIMIT
(Postponed Indefinitely) ....862.
H 497 EMPLOYMENT SECURITY/LRC STUDY
(Calendar Pursuant Rule 36(a)) ....527.
H 1221 ENGLISH AS A 2ND LANGUAGE STUDY
(Postponed Indefinitely) ....793.
H 399 ENGLISH AS A SECOND LANGUAGE/FUNDS
(Postponed Indefinitely) ....238, 922.
H 1686 ENO RIVER STATE PARK FUNDS
(Postponed Indefinitely) ....127, 237, 942.
H 244 ENVIRONMENTAL EDUCATION TRUST FUND
(Postponed Indefinitely) ....931.
H 364 ENVIRONMENTAL FARMING CAPITAL FUNDS
(Postponed Indefinitely) ....933.
H 365 ENVIRONMENTAL FARMING FUNDS
(Approp - Natural and Economic Resources) ....225.
H 1565 ENVIRONMENTAL FARMING FUNDS
(Approp - Natural and Economic Resources) ....101, 229.
H 1195 ENVIRONMENTAL IMPACTS STUDY/FUNDS
(Postponed Indefinitely) ....792.
H 738 EQUINE INFECTIOUS ANEMIA TEST/FUNDS
(Approp - Natural and Economic Resources) ....225.
H 905 EXCELLENT COMMUNITY COLLEGES ACT
(Postponed Indefinitely) ....924.
H 961 EXPAND COMMUNITY LINK FUNDS
(Postponed Indefinitely) ....924.
H 1386 EXPAND COMMUNITY LINK FUNDS
(Postponed Indefinitely) ....57, 239, 925.
H 1250 EXPAND MARINE FISHERIES COMMISSION
(Postponed Indefinitely) ....16, 227, 823, 887.
H 679 EXPAND TECHNOLOGY IN SCHOOLS
(Postponed Indefinitely) ....923.
H 1733 EXPEDITE DEATH PENALTY CASES
(Approp - Justice and Public Safety) ....137, 250.
H 1678 EXPLORIS CHILDREN'S MUSEUM FUNDS
(Postponed Indefinitely) ....126, 237, 942.
H 1410 EXTEND CORE SOUND MORATORIUM
(Ch. SL 98-0056) (S 1276) ....61, 178, 212, 375, 382, 387, 446.

APPROPRIATIONS, PUBLIC-Contd.

S 1276 EXTEND CORE SOUND MORATORIUM (Environment) (H 1410) ....181.

H 1043 FARM ENVIRONMENTAL COMPLIANCE FUND (Approp - Natural and Economic Resources) ....226.

H 963 FAYETTEVILLE STATE UNIVERSITY FINE ARTS CENTER FUNDS (Postponed Indefinitely) ....937.

H 1180 FAYETTEVILLE STATE UNIVERSITY/PEMBROKE TEACHER EDUCATION CONSORTIUM (Postponed Indefinitely) ....924.

H 1413 FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BUILDING FUNDS (Postponed Indefinitely) ....62, 235, 940.

H 998 FEDERAL MATCH REQUIRED-9/30/98 (Postponed Indefinitely) ....742, 788.

H 1337 FIRE AND RESCUE SQUAD PENSIONS (Postponed Indefinitely) (Included Ch. SL 98-0212) ....44, 291, 888.

H 1603 FIRST STEP FARM FUNDS (Postponed Indefinitely) ....108, 246, 872, 905.

H 1161 FISHERIES REFORM ACT APPROPRIATIONS (Approp - Natural and Economic Resources) (Included Ch. SL 98-0212) ....226.

H 1260 FLOODPLAIN MANAGEMENT (Ch. SL 98-0172) ....20, 146, 148, 153, 174, 700, 704, 711, 760.

H 132 FOLKMOOT USA FUNDS (Postponed Indefinitely) ....929.

H 1501 FOOD BANK FUNDS (Postponed Indefinitely) ....83, 246, 872, 905.

H 1150 FOOD BANK OF NORTHWEST NORTH CAROLINA FUNDS (Approp - Human Resources) (Included Ch. SL 98-0212) ....248.

H 1363 FOOD BANK OF NORTHWEST NORTH CAROLINA FUNDS (Approp - Human Resources) (Included Ch. SL 98-0212) ....49, 245.

H 1650 FOOD SAFETY PROGRAM FUNDS (Approp - Natural and Economic Resources) ....116, 229.

H 111 FOREST FIRE AIRCRAFT FUNDS (Postponed Indefinitely) ....929.

H 1000 FORESTRY FIRE PROTECTION FUNDS (Approp - Natural and Economic Resources) ....226.

H 943 FOSTER CARE/ADOPTION FUNDS (Postponed Indefinitely) ....244, 871, 904.

APPROPRIATIONS, PUBLIC-Contd.

H 332 FUTURE FARMERS OF AMERICA CAPITAL IMPROVEMENT FUNDS
(Postponed Indefinitely) ....230, 933.
H 341 GATLING DETENTION CENTER FUNDS
(Postponed Indefinitely) ....230, 933.
H 1580 GENETIC HEALTH SERVICE FUNDS
(Postponed Indefinitely) ....104, 246, 872, 905.
H 1566 GOODNESS GROWS IN NORTH CAROLINA FUNDS
(Approp - Natural and Economic Resources)
(Included Ch. SL 98-0212) ....101, 229.
H 155 GRASSROOTS SCIENCE MUSEUM FUNDS
(Postponed Indefinitely) ....929.
H 1204 HEALTH CARE COSTS/STUDY
(Postponed Indefinitely) ....793.
H 1435 HEALTH CARE REGISTRY
(Postponed Indefinitely) ....67, 275, 889.
H 803 HEALTH INSURANCE/RISK POOL
(Postponed Indefinitely) ....862.
H 827 HEALTHY CAROLINIANS FUNDS
(Postponed Indefinitely) ....243, 871, 904.
H 1689 HEALTHY CAROLINIANS FUNDS
(Postponed Indefinitely) ....128, 246, 872, 906.
H 167 HEART DISEASE DATA FUNDS
(Approp - Human Resources) ....242.
H 285 HIGHWAY PATROL TROOP-E PLANNING FUNDS
(Postponed Indefinitely) ....932.
H 1704 HISTORIC WATERFRONT TOWN REVITALIZATION
(Approp - Natural and Economic Resources)
(Included Ch. SL 98-0212) ....131, 193.
H 1149 HOME OWNERSHIP FUNDS
(Approp - Natural and Economic Resources) ....226.
H 1531 HOME/COMMUNITY PARTNERSHIP FUNDS
(Postponed Indefinitely) ....93, 228, 823, 891.
H 321 HUNTING ON SUNDAY/LRC STUDY
(Postponed Indefinitely) ....776.
H 352 HYDRILLA ERADICATION FUNDS
(Postponed Indefinitely) ....224, 822, 883.
H 1395 INCENTIVES FOR PRINCIPALS/ LOW-PERFORMING SCHOOLS
(Postponed Indefinitely) ....58, 171, 889.
H 1168 INDIAN COMMISSION AND CENTER FUNDS
(Postponed Indefinitely) ....233, 937.

APPROPRIATIONS, PUBLIC-Contd.

H 1505 INDIAN CULTURAL CENTER BOARD/FUNDS (Ch. SL 98-0019).....84, 122, 124, 154, 169, 290, 316.
H 1047 INFORMATION TECHNOLOGY COMMISSION (Postponed Indefinitely).....789.
H 1681 INFORMATION TECHNOLOGY TRUST FUND (Postponed Indefinitely).....126, 229, 823, 892.
H 494 INSTITUTE OF GOVERNMENT FUNDS (Postponed Indefinitely).....933.
H 1548 INSTITUTE OF GOVERNMENT INTERN FUNDS (Postponed Indefinitely).....97, 240, 926.
H 1623 INTENSIVE FAMILY PRESERVATION FUNDS (Approp - Human Resources) (Included Ch. SL 98-0212).....111, 246.
H 1563 INTERNATIONAL BACCALAUREATE PROGRAM FUNDS (Postponed Indefinitely).....101, 240, 926.
H 106 INTERSTATE AUDITORS/REGULATORY FUNDS (Approp - General Government).....250.
H 1186 IN-HOME ASSISTANCE PROJECT/FUNDS (Postponed Indefinitely).....234, 938.
H 109 IN-HOME FUNDS (Postponed Indefinitely).....929.
H 743 JUVENILE ASSESSMENT PROJECT FUNDS (Approp - Justice and Public Safety).....249.
H 1373 JUVENILE JUSTICE REFORM ACT (Judiciary II).....54.
S 1260 JUVENILE JUSTICE REFORM ACT (Ch. SL 98-0202).....411, 504, 534, 573, 586, 604, 607, 618, 648, 850, 852, 855, 857, 912.
H 1561 JUVENILE LAW REVISIONS (Judiciary II).....100.
H 1721 LAKE GASTON STATE PARK STUDY (Postponed Indefinitely).....134, 230, 823, 893.
H 1103 LAKE NORMAN/WILDLIFE OFFICER FUNDS (Postponed Indefinitely).....226, 823, 886.
H 1698 LEGISLATOR GUIDES (Postponed Indefinitely).....129, 801.
H 1728 LEGISLATURE STUDY DIVISION OF CHILD DEVELOPMENT, CHILD CARE COMMISSION/ FUNDS (Postponed Indefinitely).....136, 964.
H 1751 LIFEBOAT SCHOLARSHIP FUNDS (Postponed Indefinitely).....140, 241, 927.

APPROPRIATIONS, PUBLIC-Contd.

H 1428 LIMITED ENGLISH PROFICIENCY STUDENT APPROPRIATIONS (Postponed Indefinitely) (Included Ch. SL 98-0212) ..... 66, 239, 925.

H 1197 LIVING WILL/ORGAN DONOR REGISTRY (Postponed Indefinitely) ..... 793.

H 1723 LOW-PERFORMING SCHOOL/SALARY INCREASE (Postponed Indefinitely) ..... 134, 241, 927.

H 454 LOW-WEALTH SCHOOL SUPPLEMENTAL FUNDS (Postponed Indefinitely) ..... 922.

H 1557 LOW-WEALTH SUPPLEMENTAL SCHOOL FUNDS (Postponed Indefinitely) ..... 100, 240, 926.

H 43 MAIN STREET INCENTIVE FUND (Postponed Indefinitely) ..... 928.

H 1167 MAKING IT UPSTREAM FUNDS (Postponed Indefinitely) ..... 886.

H 1500 MANNA FOOD BANK FUNDS (Postponed Indefinitely) ..... 83, 246, 872, 905.

H 154 MATERNAL OUTREACH FUNDS (Postponed Indefinitely) ..... 929.

H 1614 MEDIATION CENTER FUNDS (Approp - Justice and Public Safety) ..... 110, 250.

H 1297 MEDICAID/AGED AND DISABLED (Postponed Indefinitely) ..... 30, 245, 872, 905.

H 156 MEDICAL EVALUATION FUNDS (Postponed Indefinitely) ..... 930.

H 232 MEDICAL EVALUATION FUNDS (Postponed Indefinitely) ..... 381, 883.

H 1722 MEDOC MOUNTAIN STATE PARK FUNDS (Postponed Indefinitely) ..... 134, 237, 942.

H 1706 MENTAL HEALTH TREATMENT/SEX OFFENDER/ FUNDS (Postponed Indefinitely) ..... 131, 893.

H 932 MENTAL HEALTH/FUNDS FOR DRUGS (Postponed Indefinitely) ..... 244, 871, 904.

H 1727 MILITARY ARCHIVE FUNDS (Approp - General Government) ..... 136, 251.

H 1726 MILITARY MUSEUM FUNDS (Postponed Indefinitely) (Included Ch. SL 98-0212) ..... 135, 238, 943.

H 1362 MILITARY SERVICE CREDIT (Ch. SL 98-0214) ..... 49, 171, 221, 269, 858.

H 550 MINORITY AND AT-RISK STUDENT/STUDY (Postponed Indefinitely) ..... 779.

APPROPRIATIONS, PUBLIC-Contd.

H 1210 MINORITY WOMEN'S HEALTH/STUDY
(Postponed Indefinitely) ....793.

H 1372 MISCELLANEOUS EDUCATION CHANGES
(Postponed Indefinitely) (S 1125)....54, 898.

S 1125 MISCELLANEOUS EDUCATION CHANGES
(Ch. SL 98-0220) (H 1372) ....504, 565, 818, 831, 833, 838, 855, 859, 899, 944, 954, 957, 960, 970.

H 947 MOBILE PRESCHOOL PROGRAM FUNDS
(Postponed Indefinitely) ....924.

H 161 MODEL TEACHER CONSORTIUM FUNDS
(Postponed Indefinitely) ....921.

H 1532 MODEL TEACHER CONSORTIUM FUNDS
(Postponed Indefinitely) ....94, 240, 926.

H 1199 MONETARY INCENTIVE/ACADEMIC EXCELLENCE
(Postponed Indefinitely) ....239, 925.

H 104 MOORESVILLE LIBRARY FUNDS
(Postponed Indefinitely) 929

H 1517 MOREHEAD COMMISSION FUNDS
(Approp - General Government)
(Included Ch. SL 98-0212) ....91, 251.

H 1159 MOSQUITO CONTROL FUNDS
(Approp - Human Resources) ....244.

H 489 MOUNTAIN STATE FAIR FUNDS
(Postponed Indefinitely) ....225, 822, 884.

H 1652 MULTIFLORA ROSE CONTROL FUNDS
(Approp - Natural and Economic Resources) ....116, 229.

H 763 MUSEUM OF FORESTRY FUNDS
(Postponed Indefinitely) ....935.

H 1282 MUSEUM OF FORESTRY FUNDS
(Postponed Indefinitely) ....25, 887.

H 1283 MUSEUM OF FORESTRY FUNDS
(Postponed Indefinitely) ....26, 887.

H 880 MUSEUM OF LIFE AND SCIENCE FUNDS
(Postponed Indefinitely) ....232, 936.

H 289 MUSEUM OF NATURAL SCIENCES EXHIBIT FUNDS
(Postponed Indefinitely) ....932.

H 249 NATURAL RESOURCES LEADERSHIP FUNDS
(Postponed Indefinitely) ....931.

H 1430 NATURAL RESOURCES LEADERSHIP FUNDS
(Postponed Indefinitely)
(Included Ch. SL 98-0212) ....66, 239, 925.

APPROPRIATIONS, PUBLIC-Contd.

H 1486 NEUSE MODELING PROJECT FUNDS
(Postponed Indefinitely)
(Included Ch. SL 98-0212).....78, 626, 890.

H 1272 NO FEE FOR PURPLE HEART PLATES
(Senate).....22, 222, 484, 523.

H 1752 NO UNMARKED VEHICLE NIGHT STOPS
(Postponed Indefinitely).....141, 803.

H 462 NONCERTIFIED SCHOOL EMPLOYEE/SALARIES
(Postponed Indefinitely).....922.

H 1621 NONLAGOON SYSTEMS DEMONSTRATIONS
(Postponed Indefinitely).....111, 283, 892.

H 32 NORTH CAROLINA AGRICULTURAL AND TECHNICAL CLASSROOM BUILDING FUNDS
(Postponed Indefinitely).....928.

H 33 NORTH CAROLINA AGRICULTURAL AND TECHNICAL LAND ACQUISITION FUNDS
(Postponed Indefinitely).....928.

H 479 NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AGRICULTURAL RESEARCH FUNDS
(Postponed Indefinitely).....922.

H 1690 NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY FUNDS
(Postponed Indefinitely)
(Included Ch. SL 98-0212).....128, 237, 942.

H 593 NORTH CAROLINA AQUARIUMS FUNDS
(Postponed Indefinitely).....934.

H 369 NORTH CAROLINA BIOTECHNOLOGY CENTER FUNDS
(Approp - Natural and Economic Resources).....225.

H 540 NORTH CAROLINA BIOTECHNOLOGY CENTER FUNDS
(Approp - Natural and Economic Resources).....225.

H 1736 NORTH CAROLINA CLOSE UP FUNDS
(Postponed Indefinitely).....137, 802.

H 911 NORTH CAROLINA COUNCIL FOR WOMEN FUNDS
(Postponed Indefinitely).....251, 822, 885.

H 592 NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION CAPITAL FUNDS
(Postponed Indefinitely).....231, 934.

H 1521 NORTH CAROLINA HUMANITIES COUNCIL FUNDS
(Approp - General Government).....92, 251.

APPROPRIATIONS, PUBLIC-Contd.

H 459 NORTH CAROLINA NATIONAL GUARD AUTHORITY (Postponed Indefinitely) ....778.
H 975 NORTH CAROLINA NATIONAL GUARD LENGTHY SERVICE BONUS (Approp - Justice and Public Safety) ....249.
H 1292 NORTH CAROLINA STATE UNIVERSITY CAPITAL FUNDS (Postponed Indefinitely) (Included Ch. SL 98-0212) ....29, 888.
H 1340 NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY CAPITAL FUNDS (Approp - Natural and Economic Resources) (Included Ch. SL 98-0212) ....44, 227.
H 334 NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS (Approp - Natural and Economic Resources) ....224.
H 1339 NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS (Approp - Natural and Economic Resources) ....44, 227.
H 950 NORTH CAROLINA TRANSPORTATION MUSEUM FUNDS (Postponed Indefinitely)....936.
H 279 NORTHAMPTON COUNTY WELCOME CENTER FUNDS (Postponed Indefinitely) ....932.
H 1215 OFFICE OF ADMINISTRATIVE HEARINGS INJUNCTIVE RELIEF/POSITIONS (Postponed Indefinitely) ....251, 822, 886.
H 1423 OREGON INLET RECOMMENDATIONS (Approp - Natural and Economic Resources) (Included Ch. SL 98-0212) ....65, 228.
H 1164 OSHA ERGONOMIC STANDARDS FUND (Approp - Natural and Economic Resources) ....227.
H 913 OSTEOPOROSIS TASK FORCE (Approp - Human Resources) ....244.
H 1716 OSTEOPOROSIS TASK FORCE FUNDS (Postponed Indefinitely) ....133, 247, 873, 906.
H 1436 PAN-AMERICAN GAME FUNDS (Approp - Natural and Economic Resources) ....68, 228.
H 1691 PARENTING PROGRAM FUNDS (Postponed Indefinitely) ....128, 246, 873, 906.
H 677 PATTERSON SCHOOL CAPITAL FUNDS (Postponed Indefinitely) ....231, 935.
H 1169 PEMBROKE LIBRARY FUNDS (Postponed Indefinitely) ....233, 938.

APPROPRIATIONS, PUBLIC-Contd.

H 366 PESTICIDE PROTECTION FUNDS
(Approp - Natural and Economic Resources) .....225.

H 1536 PESTICIDE/FOOD LABORATORIES FUNDS
(Approp - Natural and Economic Resources) .....94, 229.

H 166 PHYSICAL FITNESS ACT FUNDS
(Approp - Human Resources) .....242.

H 1649 PIEDMONT TRIAD FARMERS MARKET FUNDS
(Postponed Indefinitely) .....116, 262, 892.

H 330 PIEDMONT-TRIAD FARMERS MARKET FUNDS
(Postponed Indefinitely) .....932.

H 957 PITT COUNTY COMMUNITY COLLEGE INDUSTRIAL BUILDING FUNDS
(Postponed Indefinitely) .....937.

H 1213 POLICE OFFICER AND JUVENILE CENTER FUNDS
(Postponed Indefinitely) .....234, 939.

H 255 PORTS CAPITAL FUNDS
(Postponed Indefinitely) .....931.

H 1333 POST PROPOSED RULES ON INTERNET
(Postponed Indefinitely) .....41, 222, 888.

H 1543 POULTRY/RATITE DEALERS REGISTRATION
(Postponed Indefinitely) .....95, 198, 891.

H 1672 PRINCIPAL SALARY FUNDS
(Postponed Indefinitely) .....124, 240, 926.

H 1674 PRINCIPALS IN LOW-PERFORMING SCHOOLS
(Postponed Indefinitely) .....125, 241, 927.

H 1457 PRIVATE PRISON STANDARDS
(Postponed Indefinitely)
(Included Ch. SL 98-0212) .....72, 797.

H 573 PROJECT CHALLENGE FUNDS
(Approp - Justice and Public Safety) .....249.

H 74 PROVIDER SPONSORED ORGANIZATION MEDICARE LICENSING (Ch. SL 98-0227)
(Included Ch. SL 98-0212) .....15, 19, 324, 864, 876, 881.

H 1653 PSEUDORABIES ERADICATION FUNDS
(Approp - Natural and Economic Resources)
(Included Ch. SL 98-0212) .....116, 229.

H 55 PURPLE HEART, SILVER/BRONZE STAR, FLYING CROSS LICENSE PLATES
(Ch. SL 98-0163) .....597, 602, 607, 637, 676, 679, 694, 699, 702, 757.

H 986 RAISE REIMBURSEMENT TO COUNTIES
(Approp - Justice and Public Safety) .....250.

APPROPRIATIONS, PUBLIC-Contd.

H 181 RANDOLPH FOREST RANGER FUNDS
(Postponed Indefinitely) ....930.
H 1713 RECIPROCITY
(Postponed Indefinitely) ....133, 802.
H 1209 RESEARCH STUDIES/WOMEN/FUNDS
(Postponed Indefinitely) ....886.
H 1304 RESTRUCTURE DEPARTMENT OF TRANSPORTATION BOARD
(Ch. SL 98-0169) ....32, 206, 215, 333, 344, 346, 365, 504, 514, 519, 704, 715, 718, 726, 728, 760.
H 1207 REVIEW OF HEALTH BILLS/LRC STUDY
(Postponed Indefinitely) ....793.
H 1588 REVISE INSURER ASSESSMENTS
(Postponed Indefinitely) ....105, 863.
H 1019 RIGOROUS ACADEMIC CONTENT STANDARDS
(Postponed Indefinitely) ....924.
H 1635 ROANOKE-CHOWAN COMMUNITY COLLEGE FUNDS
(Postponed Indefinitely)
(Included Ch. SL 98-0212) ....113, 240, 926.
H 331 ROLLINS ANIMAL LAB FUNDS
(Postponed Indefinitely) ....932.
H 1154 SAFE SCHOOL PLANS/ACCOUNTABILITY
(Postponed Indefinitely) ....239, 924.
S 879 SALARY AND RETIREMENT FUNDS
(Ch. SL 98-0153) ....724, 727, 736.
H 385 SALMONELLA TESTING FUNDS
(Approp - Natural and Economic Resources) ....225.
H 1198 SAVINGS RESERVE/SCHOOL TECHNOLOGY FUND
(Postponed Indefinitely) ....239, 925.
H 509 SCHOOL BOND INTEREST USE
(Postponed Indefinitely) ....933.
H 256 SCHOOL BUDGET ACCOUNTABILITY
(Postponed Indefinitely) ....921.
H 555 SCHOOL NURSE FUNDS
(Postponed Indefinitely) ....238, 923.
H 1620 SCHOOL NURSE FUNDS
(Postponed Indefinitely) ....111, 240, 926.
H 822 SCHOOL RESOURCE OFFICER/TYRRELL HIGH SCHOOL (Postponed Indefinitely) ....923.
H 512 SCHOOL SAFETY ACT
(Postponed Indefinitely) ....922.
H 1262 SCHOOL UTILITY COSTS PAID BY STATE
(Postponed Indefinitely) ....20, 239, 925.

APPROPRIATIONS, PUBLIC-Contd.

H 1414 SCHOOL UTILITY COSTS SHARED BY STATE
(Postponed Indefinitely) ....62, 171, 889.
H 1646 SEAT BELTS ON ACTIVITY BUSES
(Postponed Indefinitely) ....115, 203, 218, 282, 892.
H 1582 SEAT BELTS ON NEW SCHOOL BUSES
(Postponed Indefinitely) ....104, 319, 891.
H 1416 SEDIMENTATION CONTROL FUNDS
(Approp - Natural and Economic Resources)
(Included Ch. SL 98-0212) ....62, 228.
H 717 SENIOR CENTER FUNDS
(Postponed Indefinitely) ....243, 871, 904.
H 1299 SENIOR CENTER FUNDS
(Postponed Indefinitely) ....30, 245, 872, 905.
H 1685 SENIOR PHARMACIST FUNDS
(Postponed Indefinitely) ....127, 246, 872, 905.
H 169 SENTENCING COMMISSION CONTINUED
(Approp - Justice and Public Safety) ....249.
H 1021 SEPTIC TANK STANDARDS/PROCESS/STUDY
(Postponed Indefinitely) ....788.
H 1177 SMALL BUSINESS DEVELOPMENT STUDY
(Postponed Indefinitely) ....792.
H 1560 SMALL FAMILY FARMS ACT
(Postponed Indefinitely)
(Included Ch. SL 98-0212) ....100, 262, 891.
H 359 SOIL/WATER ANALYSIS FUNDS
(Approp - Natural and Economic Resources) ....224.
H 610 SOUTH MOUNTAINS GAMELANDS FUNDS
(Postponed Indefinitely) ....934.
H 1506 SOUTHEASTERN AGRICULTURAL CENTER FUNDS
(Postponed Indefinitely) (S 1392) ....84, 235, 941.
H 377 SOUTHEASTERN COMMUNITY COLLEGE FUNDS
(Postponed Indefinitely) ....922.
H 362 SOUTHEASTERN FARMERS' MARKET FUNDS
(Postponed Indefinitely) ....933.
H 1467 SOUTHERN DAIRY COMPACT COMMISSION FUNDS
(Postponed Indefinitely) ....74, 262, 890.
H 1499 SPEAKER'S APPOINTMENTS
(Calendar Pursuant Rule 36(a)) ....83, 947.
H 1695 SPECIAL EDUCATION GROUP HOME FUNDS
(Postponed Indefinitely) ....129, 241, 927.
H 711 STATE GOVERNMENT MODEL CHILD DAYCARE
FACILITY (Postponed Indefinitely) ....232, 935.

APPROPRIATIONS, PUBLIC-Contd.

H 1468 STATE PERSONNEL SYSTEM STUDY
(Postponed Indefinitely) ....74, 962.
H 1601 STATE PORT FUNDS
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H 1707 STOP FUNDS FOR LOW-LEVEL RADIOACTIVE WASTE SITING
(Calendar Pursuant Rule 36(a)) ....131, 203, 339.
H 171 STRIKE OUT STROKE FUNDS
(Postponed Indefinitely) ....242, 870, 904.
H 1458 STRIKE OUT STROKE PROJECT
(Approp - Human Resources)
(Included Ch. SL 98-0212) ....72, 245.
H 1535 STRUCTURAL PEST CONTROL FUNDS
(Approp - Natural and Economic Resources)
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H 1693 STUDY DEFINED CONTRIBUTION PENSION PLAN
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H 979 SUBSTITUTE TEACHER PAY RAISE
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H 1719 SUBSTITUTE TEACHER PAY RAISE
(Postponed Indefinitely)
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H 317 TAX LOOPHOLE OUT/ALTERNATIVE SCHOOLS IN
(Postponed Indefinitely) ....844.
H 1671 TEACHER ASSISTANT SALARY FUNDS
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H 1676 TEACHER COMPENSATION/EXTRA WORK DAYS
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H 1673 TEACHER EVALUATIONS/ASSESSMENT TEAMS
(Postponed Indefinitely) ....124, 241, 926.
H 1220 TEACHER SUPPLEMENTAL PAY STUDY
(Postponed Indefinitely) ....793.
H 1182 TEACHERS' NONTEACHING DUTIES/STUDY
(Postponed Indefinitely) ....792.
H 1212 TECHNOLOGY AND TRAINING FUNDS
(Postponed Indefinitely) ....925.
H 1148 TEEN COURT FUNDS/GUIDELINES
(Approp - Justice and Public Safety) ....250.
H 273 TEXTILE FOR APPLIED TEXTILE TECHNOLOGY/CAPITAL FUNDS
(Postponed Indefinitely) ....931.
H 1684 TOBACCO MUSEUM FUNDS
(Postponed Indefinitely) ....127, 237, 942.

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H 910 TOUCHING FAMILIES' LIVES FUNDS (Approp - Human Resources) ....243.

H 1295 TOUCHING FAMILIES' LIVES FUNDS (Approp - Human Resources) ....29, 245.

H 1083 TRANSFER FUNDS/SPOT SAFETY AND MAINTENANCE (Postponed Indefinitely) ....790.

H 1296 TURNBULL STATE FOREST FUNDS (Postponed Indefinitely) ....29, 227, 377, 939.

H 1606 UNION COUNTY COMMUNITY COLLEGE ESTABLISHMENT FUNDS (Postponed Indefinitely) ....108, 154, 180, 892.

H 1217 UNITED ARTS COUNCIL FUNDS (Postponed Indefinitely) ....234, 939.

H 1375 UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE HIGHSMITH CENTER FUNDS (Postponed Indefinitely) (Included Ch. SL 98-0212) ....55, 234, 940.

H 1211 UNIVERSITY OF NORTH CAROLINA CONSTRUCTION FUNDS (Postponed Indefinitely) ....939.

H 767 UNIVERSITY OF NORTH CAROLINA EDUCATIONAL CONSORTIA FUNDS (Postponed Indefinitely) ....923.

H 992 UNIVERSITY OF NORTH CAROLINA NONAPPROPRIATED CAPITAL PROJECTS (Postponed Indefinitely) ....937.

H 1502 UNIVERSITY OF NORTH CAROLINA NONAPPROPRIATED CAPITAL PROJECTS (Ch. SL 98-0140) ....83, 235, 381, 458, 462, 499, 625, 667.

H 1632 UNIVERSITY OF NORTH CAROLINA-CHARLOTTE FUNDS (Postponed Indefinitely) (Included Ch. SL 98-0212) ....113, 236, 941.

H 1682 UNIVERSITY OF NORTH CAROLINA-EDUCATION BUILDING FUNDS (Postponed Indefinitely) (Included Ch. SL 98-0212) ....126, 237, 942.

H 1427 UPPER COASTAL PLAIN COUNCIL OF GOVERNMENTS' REVOLVING LOAN FUNDS (Postponed Indefinitely) ....66, 235, 940.

H 1552 UPPER NEUSE RIVER BASIN FUNDS (Environment) ....99.

APPROPRIATIONS, PUBLIC-Contd.
H 991 U.S.S. NORTH CAROLINA BATTLESHIP FUNDS (Postponed Indefinitely) ....937.
H 960 VISITING ARTISTS FUNDS (Postponed Indefinitely) ....251, 822, 885.
H 1190 VOCATIONAL REHABILITATION FACILITIES FUNDS (Approp - Human Resources) (Included Ch. SL 98-0212) ....244.
H 941 VOCATIONAL REHABILITATION/INDEPENDENT LIVING FUNDS (Approp - Human Resources) (Included Ch. SL 98-0212) ....244.
H 1715 VOLUNTEER FIRE DEPARTMENT/EMERGENCY MANAGEMENT SERVICE DEFIBRILLATOR FUNDS (Postponed Indefinitely) ....133, 251, 822, 893.
H 1692 WELFARE LAW IMPROVEMENT/FUNDS (Postponed Indefinitely) ....128, 247, 873, 906.
H 620 WESTERN CAROLINA UNIVERSITY ARTS CENTER FUNDS (Postponed Indefinitely) ....934.
H 1287 WESTERN NORTH CAROLINA AGRICULTURAL CENTER FUNDS (Postponed Indefinitely) ....28, 887.
H 245 WETLANDS RESTORATION PROGRAM FUNDS (Postponed Indefinitely) ....931.
H 1631 WHITE OAKS MANSION FUNDS (Approp - Natural and Economic Resources) (Included Ch. SL 98-0212) ....113, 229.
H 223 WINSTON-SALEM STATE UNIVERSITY CAPITAL FUNDS (Postponed Indefinitely) ....930.
H 230 WOMEN'S MEMORIAL FUNDS (Postponed Indefinitely) ....930.
S 1193 YEAR 2000 EMERGENCY APPROPRIATION (Ch. SL 98-0009) ....167, 180, 184, 188, 197, 205.

ARCHITECTS (G.S. 83A)
S 882 CIVIL PENALTIES LAW CLARIFIED (Ch. SL 98-0215) ....472, 561, 854, 857.

ARMED FORCES
H 1724 COMMISSION ON NORTH CAROLINA BLACK TROOPS/FUNDS (Postponed Indefinitely) ....135, 802.
H 1449 EXEMPT DISABLED VETERAN VEHICLES (Finance) ....70, 512.
S 1252 SIMPLIFY PRIVILEGE LICENSE TAX (Ch. SL 98-0095) ....293, 315, 364, 370, 383, 410, 422, 470, 472, 482, 486, 491, 545.

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H 1089 UNIVERSITY OF NORTH CAROLINA MILITARY TUITION (Postponed Indefinitely) .....924.

ARNOLD, GENE G.
BILLS INTRODUCED - 1248, 1273, 1301, 1302, 1352, 1404, ***1425**, ***1426**, ***1427**, ***1428**, 1461, ***1477**, ***1478**, ***1487**, ***1488**, ***1538**, ***1557**, 1634, ***1672**, ***1673**, ***1674**, 1689, 1696, 1726, 1758.
CONFEREE
H.B. 1371 .....607.
S.B. 1366 .....464.
EXCUSED ABSENCES ..... 660, 695, 835, 837, 842, 856, 860, 873.

ASHE COUNTY
H 1655 40TH HOUSE DISTRICT LOCAL ACT (Postponed Indefinitely) .....117, 800.
H 1656 40TH HOUSE DISTRICT LOCAL ACT (Postponed Indefinitely) .....117, 800.
H 1657 40TH HOUSE DISTRICT LOCAL ACT (Postponed Indefinitely) .....117, 801.
H 1658 40TH HOUSE DISTRICT LOCAL ACT (Postponed Indefinitely) .....117, 801.
H 1659 40TH HOUSE DISTRICT LOCAL ACT (Postponed Indefinitely) .....117, 801.
H 1247 ABOLISH ASHE COUNTY CORONER (Senate) .....15, 88, 141.
H 1256 ABOLISH CERTAIN COUNTY CORONERS (Ch. SL 98-0090) .....19, 88, 141, 513, 520, 524, 544.
H 443 ASHE COUNTY LOCAL ACT (Postponed Indefinitely) .....778.
H 444 ASHE COUNTY LOCAL ACT (Postponed Indefinitely) .....778.

ATTORNEYS
S 1262 ATTORNEYS FEES/SETTLEMENT FUNDS (Ch. SL 98-0164) .....734, 741, 752, 753, 757.
H 1081 CONDEMNATION AWARDS (Postponed Indefinitely) .....755, 886.
H 1470 DISTRICT COURT SETTLEMENT PROCEDURES (Postponed Indefinitely) (Included Ch. SL 98-0212) .....74, 392, 890.
H 605 REAL ESTATE BROKER'S CONTINUING EDUCATION (Postponed Indefinitely) .....780.

AUTOMOBILES - see MOTOR VEHICLES

AVERY COUNTY

H 1306 AVERY COUNTY SCHOOL CONSTRUCTION OKAYED (Ch. SL 98-0007) .....32, 89, 142, 198, 204.

H 1309 BANNER ELK ANNEXATIONS (Ch. SL 98-0077) .....33, 394, 409, 453, 465, 474, 509, 517.

H 1307 BANNER ELK DEED RECORDING (Ch. SL 98-0073) .....32, 394, 404, 484, 491.

H 832 COLLECT DELINQUENT PROPERTY TAX (Postponed Indefinitely) .....786.

H 1497 CRANBERRY INCORPORATED (Ch. SL 98-0091) .....83, 208, 223, 310, 342, 350, 524, 544.

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BADDOUR, PHILIP A., JR.

APPROVAL OF VOTE CHANGE ON AMENDMENT NO. 1 OF S.B. 1366 .....431.

APPROVAL OF VOTE CHANGE ON AMENDMENT NO. 27 OF S.B. 1366 .....435.

APPROVAL OF VOTE CHANGE ON CONFERENCE REPORT ON S.B. 1366 .....930.

APPROVAL OF VOTE CHANGE ON JOURNAL OF MAY 14 .....27.

BILLS INTRODUCED - ***1278***, ***1279***, 1301, 1302, 1303, 1321, 1333, 1334, 1365, 1368, 1369, 1371, 1372, 1373, 1374, 1391, 1393, 1400, 1404, ***1466***, ***1470***, 1548, 1671, 1680, 1700, 1706, 1726, 1759, 1760.

CONFEREE

H.B. 1023 .....922.

S.B. 1260 .....650.

EXCUSED ABSENCES .....37, 189, 477, 837, 873.

BAKER, REX L.

BILLS INTRODUCED - ***1247***, ***1248***, 1268, ***1269***, 1273, 1293, 1297, 1298, 1299, 1300, 1301, 1302, 1305, 1316, 1329, 1348, 1356, 1357, 1492, 1513, 1544, 1554, 1560, ***1592***, ***1593***, 1634, ***1655***, ***1656***, ***1657***, ***1658***, ***1659***, 1687, ***1693***, 1726, 1758.

CONFEREE

H.B. 1248 (Chair) .....729.

S.B. 916 .....863.

S.B. 1354 .....529.

S.B. 1366 .....464.

DISMISSED AS CONFEREE ON H.B. 1248 .....853.

BAKER, REX L.-Contd.
EXCUSED ABSENCES ..... 590, 591, 594, 633.
MOTION TO RECONSIDER VOTE ON H.B 1248 ..... 853.

BALLOTS - see ELECTIONS AND ELECTION LAWS

BANKS (G.S. 53)
S 1229 ABOLISH INHERITANCE TAX WAIVERS (Ch. SL 98-0069) .....173, 273, 398, 405, 429, 479.
H 1075 APPRECIATION OF REVERSE MORTGAGES (Ch. SL 98-0116) .....548, 559, 563, 594.
S 882 CIVIL PENALTIES LAW CLARIFIED (Ch. SL 98-0215) .....472, 561, 854, 857.
H 916 PROHIBIT AUTOMATED TELLER MACHINE SURCHARGE (Postponed Indefinitely).....915.

BARBEE, BOBBY H., SR.
BILLS INTRODUCED - 1301, 1302, 1409, ***1516**, 1545, ***1584**, ***1585**, ***1586**, ***1587**, 1606, 1671, 1687, 1689, 1726, 1758.
CONFEREE
S.B. 1360 (Chair)..... 746.
EXCUSED ABSENCES ..... 379, 387, 401, 572, 681, 842, 855.

BAREFOOT, DANIEL W.
APPOINTMENT..... 477.
EXCUSED ABSENCES ..... 783, 837, 970.
OATH.....478.

BEALL, CHARLES M.
APPROVAL OF VOTE CHANGE ON JOURNAL OF SEPTEMBER 18..... 707.
BILLS INTRODUCED - 1268, 1273, ***1290**, 1297, 1298, 1299, 1300, ***1301**, ***1302**, ***1338**, 1389, 1390, ***1397**, 1414, 1449, ***1507**, ***1512**, ***1515**, 1544, 1634, 1726, 1756, 1758, ***1761**, ***1762**.
SECONDS ADJOURNMENT ..... 366, 585, 863.

BEAUFORT COUNTY
H 724 BEAUFORT COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 729 BEAUFORT COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 731 BEAUFORT COUNTY LOCAL ACT (Postponed Indefinitely) .....784.
H 732 BEAUFORT COUNTY LOCAL ACT (Postponed Indefinitely) .....784.

BEAUFORT COUNTY-Contd.
H 1571 BEAUFORT COUNTY LOCAL BILL
(Postponed Indefinitely) ....102, 799.
H 1572 BEAUFORT COUNTY LOCAL BILL
(Postponed Indefinitely)....102, 799.
H 1578 BEAUFORT/HYDE HUNTING AND TRAPPING
(Postponed Indefinitely) ....103, 799.

BERRY, CHERIE K.
BILLS INTRODUCED - 1256, 1257, 1268, 1273, 1304, 1316, 1337, 1347, 1348, 1349, 1350, 1358, 1359, 1360, 1446, 1471, 1513, 1544, 1634, 1687, ***1712**, 1758, 1759, 1760.
EXCUSED ABSENCES ....52, 184, 355, 366, 444, 451, 460, 471, 477, 484, 490, 501, 578, 594, 633, 873.

BERTIE COUNTY
H 702 6TH HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....782.
H 805 BATTERERS' PROGRAM FUNDS
(Postponed Indefinitely) ....251, 822, 885.
H 504 BERTIE COUNTY LOCAL ACT
(Postponed Indefinitely) ....779.

BILL INTRODUCTIONS, COMMITTEE
H 1394 CONGRESSIONAL REDISTRICTING
(Ch. SL 98-0002)....43, 50, 63, 82.

BLACK, JAMES B.
APPROVAL OF VOTE CHANGE ON CONFERENCE REPORT ON S.B. 1366 .... 930.
APPROVAL OF VOTE CHANGE ON S.B. 1299 .... 689.
BILLS INTRODUCED - 1276, 1280, 1281, 1301, 1302, 1343, 1365, 1373, 1383, 1384, 1385, 1404, 1412, 1414, ***1445**, 1542, 1547, 1623, ***1676**, 1687, 1726, ***1756**, 1759, 1760, ***1765**.
ESCORT FOR REPRESENTATIVE BAREFOOT....479.
ESCORT FOR REPRESENTATIVE BRYANT....357.
EXCUSED ABSENCES ....330, 536, 578, 633, 652, 660.
SECONDS ADJOURNMENT ....149, 428, 439, 855.

BLADEN COUNTY
H 1353 BLADEN COUNTY SALES TAX FOR SCHOOLS
(Finance)....47.
H 1631 WHITE OAKS MANSION FUNDS
(Approp - Natural and Economic Resources)
(Included Ch. SL 98-0212) ....113, 229.

BLUE, DANIEL T., JR.
APPROVAL OF VOTE CHANGE ON S.B. 245 .....531.
BILLS INTRODUCED - 1276, 1301, 1302, 1303, 1398, ***1412**, 1449, 1542, 1668, 1671, 1691, 1700, ***1708**, 1716, 1726, 1746, ***1764**.
EXCUSED ABSENCES .....345, 355, 407, 419, 428, 440, 451, 471, 562, 590, 591 , 831, 837, 842, 855, 856, 860, 873.
SECONDS ADJOURNMENT .....450.

BOATING
H 919 BOAT FUEL TAX FOR BOATS
(Postponed Indefinitely) .....259, 845.
S 565 VARIABLE RATE LOANS
(Ch. SL 98-0119).....535, 540, 547, 553, 595.

BONDS AND NOTES
S 1366 APPROPRIATIONS ACT OF 1998
(Ch. SL 98-0212).....340, 419, 431, 463, 481, 495, 763, 879, 893, 901, 915, 919, 920.
S 1354 BONDS/CRITICAL INFRASTRUCTURE NEEDS
(Ch. SL 98-0132).....302, 438, 486, 496, 497, 528, 608, 614, 628, 629, 632, 641.
H 519 CLEAN WATER BONDS/NATURAL GAS
(Postponed Indefinitely) .....779.
H 1492 CLEAN WATER/NATURAL GAS BONDS
(Finance).....79, 211, 206, 330.
H 1319 EXTEND BOND MATCH DEADLINE
(Senate) (Included Ch. SL 98-0212).....38, 144, 188, 283, 295.
S 1398 RALEIGH-DURHAM AIRPORT AUTHORITY CONSTRUCTION BID EXEMPTIONS
(Ch. SL 98-0141).....529, 592, 623, 642, 655, 658, 667.
H 509 SCHOOL BOND INTEREST USE
(Postponed Indefinitely) .....933.
H 1188 SCHOOL DISTRICT SALES TAX REFUNDS
(Postponed Indefinitely) .....845.
H 297 STATE LOTTERY FOR PUBLIC WORKS
(Postponed Indefinitely) .....776.

BONNER, DONALD A.
BILLS INTRODUCED - 1250, 1255, ***1265**, ***1266**, ***1267**, 1268, 1270, 1271, 1272, 1297, 1298, 1299, 1300, 1345, 1368, 1369, 1370, 1371, 1414, 1492, 1504, 1505, 1506, 1547, 1562, 1568, ***1602**, 1623, 1634, 1671, 1679, 1687, 1690, 1691, 1695, 1715, 1716, 1724, 1726, 1738, 1740, 1758, 1759, 1760.

BONNER, DONALD A.-Contd.
EXCUSED ABSENCES .....160, 444, 451.
SECONDS ADJOURNMENT .....176, 260.

BOWIE, JOANNE W.
BILLS INTRODUCED - 1301, 1302, ***1304**, 1373, 1409, ***1423**, 1454, 1455, 1476, ***1482**, 1495, ***1496**, 1513, ***1517**, 1545, 1634, 1687, 1688, 1710, 1711, 1716, 1725, 1726, 1758, 1759, 1760.
CONFEREE
H.B. 72 .....163.
H.B. 581 .....651.
H.B. 1304 (Chair) .....514.
H.J.R. 1498 .....988.
S.B. 1366 .....464.
EXCUSED ABSENCES .....220, 835.
SECONDS ADJOURNMENT .....219, 515.

BOYD-MCINTYRE, FLOSSIE
APPROVAL OF VOTE CHANGE ON H.B. 1528 .....973.
BILLS INTRODUCED - 1301, 1302, 1303, 1482, 1671, 1690, 1691, 1692, 1700, 1710, 1711, ***1716**, 1719, 1726, 1746, ***1759**, 1760.
EXCUSED ABSENCE .....775.

BRASWELL, JERRY C.
APPROVAL OF VOTE CHANGE ON H.B. 1367 .....187.
BILLS INTRODUCED - 1276, 1278, 1301, 1302, 1622, 1628, 1634, 1711.
EXCUSED ABSENCES .....42, 52, 170, 440, 490, 501, 562, 717, 748, 855.
SECONDS ADJOURNMENT .....203.

BRAWLEY, C. ROBERT
BILLS INTRODUCED - 1268, 1301, 1302, 1318, 1320, 1326, 1333, 1334, ***1342**, 1347, 1349, 1352, ***1354**, ***1355**, 1356, 1357, 1367, 1374, ***1383**, 1404, 1422, ***1437**, ***1513**, 1726, 1759, 1760.
CONFEREE
S.B. 1230 (Chair) .....382.
S.B. 1252 .....422.
S.B. 1366 .....464.
EXCUSED ABSENCES .....220, 260, 407, 419, 428, 440, 501, 536, 624, 633, 660, 695, 703.
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H.B. 1522 .....353.
INQUIRY OF THE CHAIR .....488, 567.
POINT OF ORDER REGARDING H.B. 1568 .....557.

BRAWLEY, C. ROBERT-Contd.
REQUESTS FISCAL NOTE ON H.B. 1455 ....399.
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BROWN, JOHN W.
APPROVAL OF VOTE CHANGE ON JOURNAL OF OCTOBER 13 .... 842.
BILLS INTRODUCED - ***1262**, 1268, ***1284**, *1291, ***1292**, 1300, 1301, 1302, 1304, 1335, 1347, 1348, 1349, 1350, ***1363**, ***1364**, 1513, ***1529**, ***1535**, ***1536**, 1543, ***1553**, ***1565**, ***1566**, 1649, 1650, 1651, 1652, 1653, 1687, 1689, 1726, 1756, 1758.
CONFEREE
H.B. 1529 (Chair) ....569.
EXCUSED ABSENCES ....176, 184, 371, 590, 591, 759.
MOTION TO RECONSIDER VOTE ON S.B. 1239 .... 989.
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BRUBAKER, HAROLD J.
ADMINISTERS OATH ....12.
APPOINTS READING CLERK ....12.
GRANTS LEAVE OF ABSENCE TO PRINCIPAL CLERK .... 696.
RULINGS AS SPEAKER ....173, 188, 279, 297, 375, 377, 434, 437, 458, 470, 488, 500, 526, 532, 540, 557, 567, 607, 609, 649, 651, 658, 663, 679, 709, 713, 714, 731, 751, 852, 884, 886, 990.
VOTE ADJUSTED ON AMENDMENT NO. 31 OF S.B. 1366 ....435.

BRUNSWICK COUNTY
H 700 14TH HOUSE DISTRICT (Postponed Indefinitely) ....782.
H 1645 BRUNSWICK COUNTY FIRE FEES (Local and Regional Government I) ....115.
H 1581 BRUNSWICK COUNTY LOCAL ACT (Postponed Indefinitely) ....104, 799.
H 860 CALABASH/CAROLINA SHORES (Ch. SL 98-0075) 400, 439, 450,
H 1570 LONG BEACH STREET END PARKS (Ch. SL 98-0083) ....102, 172, 181, 510, 518.
H 1528 MODIFY LONG BEACH ROOM TAX (Ch. SL 98-0207) ....93, 123, 208, 256, 268, 946, 952, 957.

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H 839 NAVASSA LOCAL ACT
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455, 481, 489, 491, 511.
H 1475 OCEAN ISLE BEACH ANNEXATION
(Ch. SL 98-0034) 75, 172, 193, 207,
217, 253, 361, 367.
H 1527 YAUPON BEACH SPECIAL ASSESSMENTS
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341, 351, 360, 949.

BRYANT, ANNETTE P.
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ON S.B. 1366 .... 930.
EXCUSED ABSENCES ....591, 743, 748.
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BUCHANAN, CHARLES F.
BILLS INTRODUCED - 1248, 1252, 1255, ***1264**, 1268, 1271, 1273, 1276, 1293, ***1294**, 1297, 1298, 1299, 1300, 1301, 1302, ***1304**, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1316, 1319, 1408, 1449, 1492, ***1497**, 1513, 1524, 1544, 1560, ***1633**, 1670, 1680, 1687, 1689, 1702, 1707, 1726, 1748, 1749, 1758.
CONFEREE
H.B. 1304 ....514.
S.B. 1230 ....382.
EXCUSED ABSENCES ....401, 484, 743, 837, 842.
SECONDS ADJOURNMENT ....316, 886.

BUILDING CODES
H 1334 BUILDING CODE COUNCIL/ECONOMIC IMPACT
(Ch. SL 98-0057) ....41, 190, 213, 401, 446.
H 1260 FLOODPLAIN MANAGEMENT
(Ch. SL 98-0172) 20, 146, 148, 153,
174, 700, 704, 711, 760.
H 1397 TRIBAL BUILDING INSPECTIONS
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S 1466 TRIBAL BUILDING INSPECTIONS
(Ch. SL 98-0021) (H 1397) ....201, 275, 295, 299, 317.

BUNCOMBE COUNTY
H 1647 AMEND ASHEVILLE CHARTER
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H 1614 MEDIATION CENTER FUNDS
(Approp - Justice and Public Safety) .....110, 250.
H 1288 MONTREAT COMMISSIONERS
(Ch. SL 98-0038).....28, 88, 142, 379, 388.
H 91 NONBETTERMENT RELOCATION COSTS
(Postponed Indefinitely) .....929.

BURKE COUNTY
H 1309 BANNER ELK ANNEXATIONS
(Ch. SL 98-0077).....33, 394, 409, 453, 465, 474, 509, 517.
H 419 BURKE COUNTY LOCAL ACT
(Postponed Indefinitely) .....777.
H 558 DREXEL FAIR FACILITIES/FUNDS
(Postponed Indefinitely) .....231, 934.
H 893 MCDOWELL/BURKE AIRPORT AUTHORITY
(Postponed Indefinitely) .....500, 962.
H 1524 MORGANTON MAYOR
(Ch. SL 98-0081).....92, 208, 218, 510, 518.

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S 882 CIVIL PENALTIES LAW CLARIFIED
(Ch. SL 98-0215).....472, 561, 854, 857.
H 200 CORPORATE AMENDMENTS
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H 38 NO ANNUAL CORPORATION REPORT/FEE
(Postponed Indefinitely) .....843.
S 1552 NOTARY PUBLIC ACT CHANGES
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BUSINESS DEVELOPMENT CORPORATIONS AND NORTH CAROLINA CAPITAL RESOURCE CORPORATIONS (G.S. 53A)
H 987 VENTURE CAPITAL INVESTMENT INCENTIVE
(Postponed Indefinitely) .....845.

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CABARRUS COUNTY
S 1422 CABARRUS COUNTY WORKFARE LAW CHANGE
(Ch. SL 98-0106).....303, 480, 514, 542, 544, 564, 579.
S 1424 CABARRUS MEMORIAL HOSPITAL/NURSING AND ALLIED HEALTH SCIENCES DEGREE PROGRAMS
(Ch. SL 98-0204).....303, 470, 483, 527, 739, 881, 913.

CABARRUS COUNTY-Contd.
H 751 CABARRUS THREE-YEAR SALES TAX/SCHOOLS
(Postponed Indefinitely) ....844.
H 1352 REPEAL CABARRUS INITIATIVE LAW
(Ch. SL 98-0062) ....47, 89, 119, 444, 452.

CALDWELL COUNTY
H 1311 CALDWELL COUNTY LOCAL ACT
(Postponed Indefinitely) ....33, 795.
H 1264 CERTAIN COUNTIES SCHOOL ACQUISITION
(Finance - Local, Regional, & State Revenues) ....21, 152, 210.
H 1278 CERTAIN COUNTIES SCHOOL ACQUISITION
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CAMDEN COUNTY
H 624 CERTAIN COUNTIES REVENUE OPTIONS MENU
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H 703 LOCAL BEAR HUNTING
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BILLS INTRODUCED - 1248, 1268, 1271, 1272, 1293, 1316, 1318, 1320, 1326, 1333, 1334, 1337, 1342, ***1352**, 1362, 1367, 1374, 1376, 1380, 1392, 1409, 1422, 1461, 1513, 1518, 1523, 1615, 1616, 1687, 1714, 1716, 1717, 1726, 1727, 1728, 1733, 1734, ***1757**, ***1758**.
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H 1310 CATAWBA COUNTY LOCAL ACT (Postponed Indefinitely) ..... 33, 795.

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BILLS INTRODUCED -1255, 1262, 1265, 1266, 1267, 1271, 1273, 1279, 1280, 1281, 1301, 1302, ***1312**, ***1313**, 1337, 1347, 1351, 1354, 1371, 1377, 1391, 1395, 1408, ***1450**, ***1451**, ***1452**, 1466, 1470, 1492, 1496, 1498, 1502, 1506, 1521, 1539, 1544, 1545, 1547, ***1548**, 1557, 1559, 1579, 1623, 1632, 1634, 1668, 1671, 1682, 1687, 1689, 1690, 1691, 1692, ***1694**, 1698, 1700, 1706, 1707, 1708, 1710, 1711, 1716, 1725, 1726, ***1744**, 1758, 1759, 1760.
EXCUSED ABSENCES ....27, 37, 189, 197, 290, 298, 524, 590, 591, 610, 668, 837, 856.
OFFERS PRAYER ....842.

GRADY, W. ROBERT
BILLS INTRODUCED - 1248, 1249, 1268, 1272, 1273, 1301, 1302, ***1395**, ***1634**, 1671, 1687, 1691, 1696, 1716, ***1740**, 1758.
EXCUSED ABSENCES ....590, 591.

GRAHAM COUNTY
H 1507 52ND HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....84, 798.
H 1515 52ND HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....86, 798.

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H 1397 TRIBAL BUILDING INSPECTIONS
(Local and Regional Government I) (S 1466).....59, 164.
S 1466 TRIBAL BUILDING INSPECTIONS
(Ch. SL 98-0021) (H 1397) .....201, 275, 295, 299, 317.

GRANVILLE COUNTY
H 1534 22ND HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) .....94, 798.
H 1176 GRANVILLE COUNTY CEMETERY FUNDS
(Postponed Indefinitely) .....233, 938.
H 783 GRANVILLE COUNTY LOCAL ACT
(Postponed Indefinitely) .....785.

GRAY, LYONS
BILLS INTRODUCED - 1248, 1301, 1302, 1318, 1320, ***1324**, ***1325**, ***1326**, 1342, 1352, 1356, 1357, 1367, 1374, ***1396**, 1408, 1422, ***1502**, ***1503**, ***1679**, ***1688**, 1693, 1716, 1726, 1753, 1758.
CONFEREE
S.B. 1514 .....644.
S.B. 1366 .....464.
EXCUSED ABSENCES .....220, 290, 444, 471, 578, 594, 634, 695, 703, 766, 843, 855, 860.

GUARDIANSHIP
H 1373 JUVENILE JUSTICE REFORM ACT
(Judiciary II) .....54.
S 1260 JUVENILE JUSTICE REFORM ACT
(Ch. SL 98-0202).....411, 504, 534, 573, 586, 604, 607, 618, 648, 850, 852, 855, 857, 912.
H 1561 JUVENILE LAW REVISIONS
(Judiciary II) .....100.

GUESTS
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GUILFORD COUNTY
H 1406 1998 TECHNICAL CORRECTIONS
(Postponed Indefinitely) (S 1279).....60, 866.
S 1279 1998 TECHNICAL CORRECTIONS
(Ch. SL 98-0217) (Included Ch. SL 98-0212)
(H 1406).....549, 809, 966, 970.

GUILFORD COUNTY-Contd.
H 632 84TH HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....781.
H 1447 DEEP RIVER/GUILFORD
(Postponed Indefinitely) ....70, 797.
H 848 GUILFORD COUNTY DETENTION CENTER FUNDS
(Postponed Indefinitely) ....935.
H 1482 GUILFORD COUNTY DETENTION CENTER FUNDS
(Postponed Indefinitely) ....77, 246, 336, 941.
H 882 GUILFORD COUNTY LOCAL ACT
(Postponed Indefinitely) ....787.
H 884 GUILFORD COUNTY LOCAL ACT
(Postponed Indefinitely) ....787.
H 378 HIGH POINT ZONING
(Postponed Indefinitely) (H 390) ....776.
H 390 HIGH POINT ZONING
(Postponed Indefinitely) (H 378) ....777.
S 1273 KERNERSVILLE ATTORNEY APPOINTMENT
(Ch. SL 98-0115) ....349, 526, 550, 584, 586, 590.
H 72 OAK RIDGE INCORPORATED
(Ch. SL 98-0113) ....150, 163, 494, 500, 505, 513, 520, 549, 555, 566, 577, 579.
H 1401 PLEASANT GARDEN BOUNDARIES
(Ch. SL 98-0205) ....60, 153, 163, 207, 253, 265, 949.

GULLEY, JIM
BILLS INTRODUCED - 1268, 1270, 1271, 1272, 1273, 1280, 1281, 1322, 1333, 1334, 1341, 1354, 1355, 1383, 1408, 1439, 1461, 1470, 1513, ***1526**, 1623, 1687, 1726.
CONFEREE
H.B. 1304 ....514.
EXCUSED ABSENCES ....590, 591.

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HACKNEY, JOE
BILLS INTRODUCED - 1301, 1302, 1428, 1467, ***1470**, 1491, ***1496**, 1552, 1558, 1560, ***1591**, 1617, ***1644**, 1651, 1686, 1689, 1691, 1700, 1707, 1709, 1710, 1711, 1716, 1726, 1746, 1756.
CONFEREE
H.B. 534 ....589.
H.B. 581 ....651.

HACKNEY, JOE-Contd.
EXCUSED ABSENCES .....82, 160, 419, 501, 509, 516, 524, 536, 783, 831, 837, 843, 856, 861.
EXCUSED VOTE
H.B. 1071 .....559.
H.B. 1483 .....621, 687.
SECONDS ADJOURNMENT .....22, 328.

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H 1641 ENFIELD ANNEXATION
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H 776 HALIFAX COUNTY LOCAL ACT
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H 1626 HALIFAX COUNTY LOCAL SALES TAX
(Finance) .....112.
S 1420 HALIFAX MOBILE STRUCTURES ALLOWED
(Ch. SL 98-0004) .....141, 151, 156, 160, 166.
H 1533 HALIFAX REGIONAL AIRPORT
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H 1640 HALIFAX/WELDON SCHOOL MERGER
(Postponed Indefinitely) .....114, 800.
H 1642 INTERSTATE ECONOMIC DEVELOPMENT ZONES
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H 1251 LITTLETON STAGGERED TERMS
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H 1625 MODIFY HALIFAX COUNTY TOURISM AUTHORITY
(Ch. SL 98-0109) .....112, 320, 335, 549, 558, 564, 579.
H 785 ROANOKE RAPIDS
(Postponed Indefinitely) .....785.

HALL, BOBBY RAY
BILLS INTRODUCED - 1273, 1281, 1293, 1297, 1298, 1299, 1300, 1301, 1302, 1315, 1316, 1335, 1337, 1349, 1351, 1352, 1359, 1362, 1399, 1404, 1414, 1545, 1621, ***1627**, 1680, 1687, 1689, 1707, 1716, 1719, 1723, ***1726**, 1758, 1759, 1760.
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S.B. 1514 .....644.
EXCUSED ABSENCES .....419, 634, 695, 703, 717, 734, 835.

HANDICAPPED PERSONS (G. S. 168)
S 843 INSURANCE CHANGES
(Conference Committee Appointed) .....447.

HARDAWAY, THOMAS C.
BILLS INTRODUCED - 1251, 1533, 1588, 1590, 1613, ***1624**, ***1625**, ***1626**, ***1640**, ***1641**, ***1642**, ***1643**, 1680, 1716, ***1721**, ***1722**, ***1723**, ***1724**, 1726, 1746, 1759, 1760.
EXCUSED ABSENCES ..... 150, 189, 371, 509, 516, 524, 578, 831, 837.
SECONDS ADJOURNMENT ..... 782.

HARDY, EDWIN M.
APPROVAL OF VOTE CHANGE ON AMENDMENT NO. 14 OF S.B. 1366 ..... 433.
APPROVAL OF VOTE CHANGE ON AMENDMENT NO. 29 OF S.B. 1366 ..... 435.
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APPROVAL OF VOTE CHANGE ON H.B. 1638 ..... 267.
APPROVAL OF VOTE CHANGE ON S.B. 475 ..... 908.
APPROVAL OF VOTE CHANGE ON S.B. 1103 ..... 424.
APPROVAL OF VOTE CHANGE ON S.B. 1333 ..... 424.
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BILLS INTRODUCED - 1273, 1285, 1293, 1297, 1298, 1299, 1300, 1314, 1316, 1333, 1334, 1337, 1347, 1348, 1361, 1362, 1400, 1408, 1461, ***1470**, 1513, ***1571**, ***1572**, ***1573**, ***1574**, ***1575**, ***1576**, ***1577**, ***1578**, 1687, ***1703**, ***1704**, 1714, 1715, ***1717**, ***1718**, 1726, 1734, 1758.
CONFEREE
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EXCUSED ABSENCES ..... 401, 572, 590, 594, 970.

HARNETT COUNTY
H 1556 DUNN EXTRATERRITORIAL JURISDICTION (Ch. SL 98-0028) ..... 100, 199, 210, 264, 294, 338, 346.
H 121 ERWIN TEXTILE MUSEUM FUNDS (Postponed Indefinitely) ..... 929.
H 1627 ERWIN TEXTILE MUSEUM FUNDS (Postponed Indefinitely) ..... 112, 236, 941.

HARRY, REVEREND JAMES H.
PRAYERS - see FIRST PAGE OF EACH DAY'S JOURNAL

HAYWOOD COUNTY
H 1507 52ND HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....84, 798.
H 1515 52ND HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....86, 798.
H 774 HAYWOOD COUNTY AGRICULTURE CENTER
FUNDS (Postponed Indefinitely)....232, 935.
H 1512 HAYWOOD COUNTY SALES TAX FOR COURT
FACILITIES (Finance)....85.
H 619 HAYWOOD COUNTY TOURISM
(Postponed Indefinitely) ....780.
H 1397 TRIBAL BUILDING INSPECTIONS
(Local and Regional Government I) (S 1466).....59, 164.
S 1466 TRIBAL BUILDING INSPECTIONS
(Ch. SL 98-0021) (H 1397) .....201, 275, 295, 299, 317.
H 1290 WAYNESVILLE ABANDONED STRUCTURES
(Ch. SL 98-0026)....28, 90, 142, 338, 346.

HAZARDOUS WASTE
H 224 BROWNFIELDS/PROPERTY USE RESTRICTION
(Postponed Indefinitely) ....774.
S 882 CIVIL PENALTIES LAW CLARIFIED
(Ch. SL 98-0215)....472, 561, 854, 857.
H 1483 EXPEDITE LOW RISK LOW-LEVEL UNDERGROUND
STORAGE TANK CLEANUP CLOSURES
(Ch. SL 98-0161)....77, 574, 621,
668, 682, 691, 745.

HEALTH CARE FACILITIES AND SERVICES (G.S. 131E)
- also see INSPECTION AND LICENSING OF
FACILITIES (G.S. 131D)
H 1710 ADULT CARE HOME STAFF RATIO/FUNDS
(Approp - Human Resources)
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H 1711 ADULT CARE HOMES/DISAPPROVE RULE/STAFFING
(Approp - Human Resources) ....132, 247.
H 1219 ASSISTED LIVING ADMINISTRATORS
(Postponed Indefinitely) ....793.
H 1162 CERTIFICATE OF NEED MODIFICATIONS
(Postponed Indefinitely) ....863.
S 882 CIVIL PENALTIES LAW CLARIFIED
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H 1058 HEALTH CARE FACILITY/ANY WILLING
PROVIDER (Postponed Indefinitely)....863.
H 925 HEALTH CARE INFORMATION PRIVACY
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H 1495 HEALTH CARE INFORMATION PRIVACY
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H 1435 HEALTH CARE REGISTRY
(Postponed Indefinitely) ....67, 275, 889.
H 1373 JUVENILE JUSTICE REFORM ACT
(Judiciary II) ....54.
S 1260 JUVENILE JUSTICE REFORM ACT
(Ch. SL 98-0202)....411, 504, 534, 573, 586, 604, 607, 618, 648, 850, 852, 855, 857, 912.
H 1561 JUVENILE LAW REVISIONS
(Judiciary II) ....100.
H 74 PROVIDER SPONSORED ORGANIZATION
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H 1455 PROVIDER SPONSORED ORGANIZATION
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HENDERSON COUNTY
H 661 HENDERSON COUNTY COMMISSIONER DISTRICTS
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H 91 NONBETTERMENT RELOCATION COSTS
(Postponed Indefinitely) ....929.

HENSLEY, ROBERT J., JR.
BILLS INTRODUCED - 1276, 1301, 1302, 1303, 1412, 1548, 1552, 1582, 1623, 1632, ***1668**, 1671, 1676, 1679, 1680, 1690, 1691, 1692, 1706, 1708, 1719, 1725, 1726, 1759, 1760.
CONFEREE
H.B. 1114 .... 828.
SECONDS ADJOURNMENT ....51, 183, 400, 599.

HERTFORD COUNTY
H 702 6TH HOUSE DISTRICT LOCAL ACT
(Postponed Indefinitely) ....782.

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H 805 BATTERERS' PROGRAM FUNDS
(Postponed Indefinitely) .....251, 822, 885.

HIATT, WILLIAM S.
BILLS INTRODUCED - 1262, 1348, 1351, 1513, ***1554**, 1560, 1592, 1593, 1687, 1726, 1758.
EXCUSED ABSENCES .....12, 15, 18, 23, 176, 184, 471, 695, 703, 856.
SECONDS ADJOURNMENT .....120.

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S 1366 APPROPRIATIONS ACT OF 1998
(Ch. SL 98-0212).....340, 419, 431, 463, 481, 495, 763, 879, 893, 901, 915, 919, 920.
H 157 COMMUNITY COLLEGE SCHOLARSHIP PROGRAM
(Postponed Indefinitely) .....921.
H 1737 NORTH CAROLINA STATE UNIVERSITY CENTENNIAL CAMPUS
(Ch. SL 98-0159).....137, 209, 309, 692, 744.
H 308 REPEAL SUNSET ON FICA SAVINGS USE
(Postponed Indefinitely) .....921.
H 1089 UNIVERSITY OF NORTH CAROLINA MILITARY TUITION (Postponed Indefinitely) .....924.
H 992 UNIVERSITY OF NORTH CAROLINA NONAPPROPRIATED CAPITAL PROJECTS
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H 1668 UNIVERSITY OF NORTH CAROLINA SCHOOL ADMINISTRATOR PROGRAMS
(Postponed Indefinitely)
(Included Ch. SL 98-0212).....119, 963.

HIGHER EDUCATIONAL FACILITIES FINANCE ACT (G.S. 115E)
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(Ch. SL 98-0124).....412, 528, 569, 572, 596.

HIGHTOWER, FOYLE R., JR.
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BILLS INTRODUCED - 1301, 1302, 1303, 1319, 1335, 1351, 1414, ***1417**, ***1418**, ***1419**, ***1420**, ***1421**, ***1567**, ***1579**, ***1582**, 1587, 1634, 1689, 1710, 1711, 1716, 1726, 1758, 1759, 1760.
EXCUSED ABSENCES .....407, 451, 509, 516, 524, 536, 742.

HIGHTOWER, FOYLE R., JR.-Contd.
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HILL, DEWEY L.
BILLS INTRODUCED - 1248, 1252, 1268, 1271, 1272, ***1282**, ***1283**, 1297, 1298, 1299, 1300, ***1304**, 1314, 1315, 1316, 1318, 1320, 1322, 1326, 1331, ***1336**, 1342, 1351, 1352, ***1367**, 1374, ***1378**, ***1379**, 1408, ***1415**, ***1416**, 1422, ***1433**, 1434, 1442, 1443, 1449, 1471, ***1472**, ***1473**, 1476, 1483, 1485, 1506, 1524, 1547, 1570, 1600, 1601, 1636, 1645, 1682, ***1699**, 1726, ***1735**, 1750, 1758, 1759, 1760.
CONFEREE
H.B. 1248 .....729.
H.B. 1529 .....569.
S.B. 1230 .....382.
S.B. 1366 .....464.
DISMISSED AS CONFEREE ON H.B. 1248 ..... 854.
EXCUSED ABSENCES .....590, 591, 652, 783.
EXCUSED VOTE
H.B. 1248 .....309.
SECONDS ADJOURNMENT .....189, 679.

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HOLMES, GEORGE M.
APPROVAL OF VOTE CHANGE ON JOURNAL OF JUNE 3.....160.
BILLS INTRODUCED - 1301, 1302, 1756, 1758.
CONFEREE
S.B. 1366 (Chair).....464.
EXCUSED ABSENCES .....516, 843.
SECONDS ADJOURNMENT .....289.

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H 1406 1998 TECHNICAL CORRECTIONS
(Postponed Indefinitely) (S 1279).....60, 866.

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H 1082 NATIVE AMERICAN PLATES/HOUSING AUTHORITY (Ch. SL 98-0155).....652, 662, 666, 737.

HOUSING FINANCE AGENCY, N. C. (G.S. 122)
H 1406 1998 TECHNICAL CORRECTIONS (Postponed Indefinitely) (S 1279).....60, 866.
S 1279 1998 TECHNICAL CORRECTIONS (Ch. SL 98-0217) (Included Ch. SL 98-0212) (H 1406).....549, 809, 966, 970.

HOWARD, JULIA C.
BILLS INTRODUCED - ***1246**, ***1263**, 1268, ***1446**, ***1471**, 1513, 1544, 1589, 1634, 1687, 1696, 1712, 1726, 1758, 1759, 1760.
CONFEREE
H.B. 1529.....569.
S.B. 124.....297.
S.B. 1202 (Chair).....716.
S.B. 1366.....464.
EXCUSED ABSENCES.....419, 509, 516, 524, 536, 590, 591, 634, 636, 653, 831, 835, 861.
SECONDS ADJOURNMENT.....483, 706, 765.

HOYLE, SENATOR DAVID
ADMINISTERS OATH TO DANIEL W. BAREFOOT.....478.

HUNTER, HOWARD J., JR.
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BILLS INTRODUCED - 1276, 1294, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1314, 1334, 1390, 1398, 1412, 1414, 1427, 1449, 1461, 1465, 1492, ***1539**, 1624, 1634, 1635, 1671, 1676, 1680, 1688, ***1689**, 1690, 1691, 1692, 1700, 1704, 1708, 1721, 1724, 1726, 1730, 1740, 1746.
CONFEREE
S.B. 1202.....716.
S.B. 1354.....529.
S.B. 1366.....464.
SECONDS ADJOURNMENT.....14.

HUNTER, ROBERT C.
BILLS INTRODUCED - 1301, 1302, 1319, 1373, 1391, *1399, *1400, 1404, 1405, 1440, 1441, 1492, 1548, 1634, 1670, 1687, 1700, 1716, 1726, 1758.

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EXCUSED ABSENCES .....18, 23, 150, 176, 184, 290, 337.
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HURLEY, JOHN W.
APPROVAL OF VOTE CHANGE ON CONFERENCE REPORT ON S.B. 1366 ..... 930.
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CONFEREE
S.B. 843 .....447.
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H 720 HYDE COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 723 HYDE COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 726 HYDE COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 728 HYDE COUNTY LOCAL ACT (Postponed Indefinitely) .....783.
H 1573 HYDE COUNTY LOCAL BILL (Postponed Indefinitely) .....102, 799.
H 1574 HYDE COUNTY LOCAL BILL (Postponed Indefinitely) .....103, 799.
H 1575 HYDE COUNTY LOCAL BILL (Postponed Indefinitely) .....103, 799.

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H 1373 JUVENILE JUSTICE REFORM ACT (Judiciary II) .....54.

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H 1561 JUVENILE LAW REVISIONS
(Judiciary II) ....100.

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S 882 CIVIL PENALTIES LAW CLARIFIED
(Ch. SL 98-0215) ....472, 561, 854, 857.

INSKO, VERLA C.
BILLS INTRODUCED - 1298, 1299, 1300, 1301, 1302, 1303, 1359, 1360, 1428, 1465, 1470, ***1552**, 1558, ***1591**, 1644, ***1654**, 1671, 1679, 1686, 1687, 1689, 1690, 1691, 1692, 1694, 1707, ***1709**, 1710, 1711, 1715, 1716, 1719, 1725, 1726, 1758, 1759, 1760.
EXCUSED ABSENCES .... 591, 743, 748, 855.

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S 1366 APPROPRIATIONS ACT OF 1998
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H 1219 ASSISTED LIVING ADMINISTRATORS
(Postponed Indefinitely) ....793.
S 882 CIVIL PENALTIES LAW CLARIFIED
(Ch. SL 98-0215) ....472, 561, 854, 857.
H 493 CURRENT OPERATIONS APPROPRIATIONS ACT
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S 1373 DISAPPROVE TAR-PAMLICO BASIN RULE
(Ch. SL 98-0138) ....411, 503, 620, 625, 666.
H 1373 JUVENILE JUSTICE REFORM ACT
(Judiciary II) ....54.
H 1561 JUVENILE LAW REVISIONS
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H 1496 1998 GOVERNOR'S DRIVING WHILE IMPAIRED AMENDMENTS (Postponed Indefinitely)
(S 1336) ....80, 866.

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S 1336 1998 GOVERNOR'S DRIVING WHILE IMPAIRED AMENDMENTS (Ch. SL 98-0182) (H 1496).....504, 533, 596, 722, 731, 732, 813, 837.
H 1406 1998 TECHNICAL CORRECTIONS (Postponed Indefinitely) (S 1279).....60, 866.
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MCALLISTER, MARY E.
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MCCOMBS, W. EUGENE
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MCCRARY, PAUL R.
BILLS INTRODUCED - 1273, 1301, 1302, 1303, 1351, 1373, 1399, 1400, ***1440**, ***1441**, 1449, 1544, 1589, 1634, 1687, 1690, 1691, 1692, 1726, 1727, 1758.
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MICHAUX, HENRY M., JR.
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MINER, DAVID M.
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MOORE, RICHARD L.
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MORGAN, RICHARD T.
BILLS INTRODUCED - 1273, 1293, 1316, ***1498**, ***1499**, 1513, ***1514**.
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